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UNIVERSITY OF ALBERTA

PHILOSOPHY IN ACTION: A study in Kant's moral philosophy

BY

ANDREW KLUKAS

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A thesis submitted to the Faculty of Graduate Studies and Research in partial fulfillment of the requirements for the degree of Master of Arts.

DEPARTMENT OF PHILOSOPHY

Edmonton, Alberta
Fall, 1994

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The undersigned certify that they have read, and recommend to the Faculty of Graduate Studies and Research for acceptance, a thesis entitled "Philosophy In Action: *a study in Kant's moral philosophy*," submitted by Andrew Klukas in partial fulfillment of the requirements for the degree of Master of Arts.

Dr. Fredrick P. Van de Pitte

Dr. Eamonn Callan

Dr. Bruce A. Hunter

Dr. Alex Reuger

September 26, 1994

ABSTRACT

Kant's moral philosophy was not intended to be read as a prescriptive ethical theory. To regard it as such is to betray his architectonic division of nature (theoretical philosophy) and freedom (moral philosophy). The object of practical philosophy is manifest in the intention to theorize, but not in the content of any theory. This holds important ramifications for our understanding of Kant's conception of the practical domain of human experience, and of the purpose of the *Critique of Practical Reason.*

In our attempt to understand what Kant regards as the genuinely practical dimension of human experience, it is helpful to juxtapose his distinction between pure and applied philosophy with his related distinction between determination (objectivity) and reflection (subjectivity). In so doing, the practical domain emerges as the immediate, subjective context of actual practical deliberations. Accordingly, maxims (as subjective principles of action) must be distinguished from the objective propositionalizations by which they are commonly expressed.

Kant's categorical and practical imperatives are included in the class of objective propositions, but are related to maxims in a manner which distinguishes them from moral-theoretical propositions. The latter are psychologically prescriptive; the former are not. As purely practical propositions, Kant's moral imperatives exclude the psychological component associated with all positive theories of human conduct. As components of the practical *Critique*, the imperatives are transcendentally prescriptive, and serve a negative, not a positive purpose. Their critical function is only to indicate the illusion of mistaking subjective for objective conditions of moral experience and, consequently, of confounding pure practical philosophy with moral theory. The positive function of Kant's imperatives is neither critical nor theoretical but demonstrative. The categorical imperative captures, in a purely philosophical manner, the formal component of moral intentionality -- what is common to moral intentions as such, irrespective of the ethical theories which these intentions presuppose or enjoin. The practical imperative captures what is common to all moral theory -- namely, the fact of a presupposition concerning rationality -- but does so without special regard for the peculiar nature of the conception of rationality which any ethical theory presupposes or enjoins.

PREFACE

The present work was prompted originally by a preoccupation with some of the ramifications which Kant's aesthetic *Critique* can hold for our understanding of his theoretical and practical *Critiques*. I was not long into the task, however, before I realized that a prevailing tendency to confound Kant's moral philosophy with moral theory must necessarily impede our proper grasp of the critical role of the third *Critique* as a whole. Kant's separation of moral theory from moral philosophy is correlative to his distinction of nature and freedom. Inattention to that distinction results in an obfuscation of the critical role of the practical *Critique* and, consequently, a misguided approach to the third *Critique*.

It is in the third *Critique*, I feel, that Kant's philosophy springs to life. While it is with some remorse that I have abandoned the original project, I am content nonetheless in the opportunity to offer something which is in some respects equally compelling, despite its smaller scale. It has not forced me entirely to ignore the third *Critique*; on the contrary, some of the insights which emerge there are central to my treatment of Kant's moral philosophy. I have in mind, specifically, Kant's explication of the role of reflective judgement in experience.

Fredrick Van de Pitte's *The Role of Teleology in Kant's Work* first alerted me to the notion that reflective judgement must somehow be understood as being constitutive in human experience. While this seemed initially troubling, it led eventually to the quite promising conclusion that while determinative judgement is constitutive for objects, reflective judgement is also constitutive, albeit only for the subject.

But recent works on Kant's aesthetics (notably, those of Crawford and Guyer) tend to marginalize Kant's discussion of reflective judgement and, consequently, the significance which Kant intends the third *Critique* to hold for our understanding of his theoretical and moral philosophy. Despite their contribution to aesthetic theory, this is unfortunate. Kant's discussion of the reflective principle of purposiveness can be remarkably edifying where our aim is to reach an understanding of particulars as epistemological counterpoints to the abstract conception both of objects and of nature as a whole, and can yield many helpful insights into his understanding of the maxim as a subjective (as opposed to an objective) principle of action.

Recent works on Kant's moral philosophy tend also to ignore Kant's discussion of reflective judgement. In *Kant's Theory of Freedom*, for instance, Henry Allison

offers a great deal by way of clarification of the function of maxims in practical experience; but his discussion of the Incorporation Thesis could add more than it does to our understanding of the real nature of maxims as media in the deliberative process. It can be helpful, therefore, to supplement his discussion of the incorporation of incentives into maxims (what he calls practical *spontaneity* -- the *objective* expression of incorporation) with a discussion of practical *purposiveness* -- the *subjective* constitution of particular ends in and through this act of incorporation. In so doing, I draw upon the third *Critique* in order to dispense with a chief impediment to our grasp of the distinction between theoretical and moral philosophy. An expressed aim of that *Critique* is to mediate the concepts of nature and freedom. The temptation objectively to confound Kant's theoretical and practical philosophy dissipates once it is understood that the principle of reflection resolves the issue in subjective experience. The character of Kant's distinction between nature and freedom is purely philosophical (and objective), not psychological (and subjective). To read Kant's moral philosophy as theoretical is, in effect, to read it as what he would himself regard as moral psychology. While there is certainly a place for moral psychology in Kant's thought as a whole, it is a mistake to seek it in his practical *Critique*.

There are reciprocal forces of influence between our understanding of the practical *Critique* and of the *Critique of Judgment*: If one fails to appreciate Kant's discussion of the role of reflective judgement in experience it is quite difficult to understand the non-theoretical nature of the practical *Critique*; if one is not clear on the non-theoretical nature of the practical *Critique* one will tend to interpret the moral law as psychologically prescriptive (as a moral theory), and might tend to balk at Kant's association of morality with aesthetic taste. In effect, if one reads the moral law as psychologically prescriptive one will also tend to regard Kant's explication of taste as morally prescriptive (i.e., as a moral theory of art). In order, for the purposes of contemporary discussions in aesthetics, to salvage something of the aesthetic *Critique*, one must then attempt to dissociate it from Kant's goal of a complete and comprehensive system of philosophy. The most economical method is to challenge the relevance of Kant's discussion of reflection to his discussion of taste. This must result in a deplorably extenuated interpretation and use of the *Critique*. If it is *part* of Kant's Critique, then let us *read* it as a part: aside from its expressed aims, the deeper purpose of the present essay is to widen the prospect of our doing so without the encumbrance of the

implications which follow on a catachrestical deployment of his moral philosophy.

Some of my arguments involve re-translations of key terms and passages in the original works of Kant. Here I intend no disrespect for their original translators. It is widely acknowledged that translation is a perilous task in any case, and often entails antecedent interpretation of original text. My tendency to dabble with the text follows on the openly interpretive nature of this essay; I assume full responsibility where this occurs.

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A note of appreciation is due my thesis committee members: Drs. Eamonn Callan, Bruce A. Hunter, and Alexander Reuger. But for their good will, this document might not have appeared. I am also indebted, in an indirect way, to Dr. Robert Burch for his suggestion that I approach Fredrick Van de Pitte for his supervision of my work. Anything of consequence in the essay is due, ultimately, to Dr. Van de Pitte's patient guidance, his intellectual lenity and, perhaps above all, his good faith. What the work lacks in elegance must be attributed to my reluctance to relinquish, too soon, the luxury of his pardon for open, philosophical reflection.

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INTRODUCTION

The aim of the thesis is threefold: (a) to draw into clear focus Kant's distinction between pure and applied, theoretical and practical philosophy; (b) to set out some of the ramifications which, given the related distinction between objective and subjective conditions of experience, these distinctions should hold for our understanding of Kant's moral philosophy; (c) to elucidate, on those terms, the critical bearing on moral experience which is furnished in that philosophy. To my knowledge, no extant interpretations of Kant's moral philosophy are perfectly clear (or, at least, fully explicit) on the ramifications of all of these distinctions. Given their importance in Kant's thought, it will be useful to explicate the purpose of a critique of practical reason in light of the implications which these distinctions hold.

Statements regarding the distinction between pure and applied philosophy are abundant in Kant, and the nature of that distinction, we will find, is set out quite clearly in the first *Critique*. While one might expect that the distinction between the theoretical and the practical should, given their separate critical treatment, be equally clear, this is not actually the case. On a close examination one discovers, rather, that Kant means something quite peculiar by 'the practical.' The first two objectives of the thesis converge in the location of Kant's conception of the practical; my elucidation of the critical bearing on moral experience follows on the conception which emerges in that discussion.

As suggested, the purpose of a critique of *practical* reason might -- in fact, it should -- pose a problem for us. In the intersection of pure and applied, and theoretical and practical philosophy, only *pure* practical philosophy emerges as genuinely practical. *Applied* practical philosophy is something which Kant regards as the practical part of a *philosophy of nature* -- that is, as applied *theoretical* philosophy. Applied practical philosophy, then, is moral theory; yet Kant claims that "[only] metaphysic... and specifically the criticism of our adventurous reason... constitute together what may be termed philosophy in the pure sense of the word."[1] This excludes any positive ethical theory from the domain of pure practical philosophy, for critique (theoretical or practical) is said to be useful only in a negative sense, namely, for "guarding reason against errors."[2] In effect, there *is*, for Kant, no applied practical philosophy; for if it is applied, then it is theoretical (i.e., belonging to nature), not practical (belonging to freedom). If one regards Kant's moral philosophy as a vying ethical theory (as one does where Kant's pure practical philosophy is contrasted, say, with Utilitarianism) then one should also

regard a practical critique as superfluous labour, for its subject should then have been exhausted (in a purely philosophical sense) in the first *Critique*. As it is, the practical *Critique* is said to mark a "transition to an altogether different use [of the concepts of reason] from that made of them in the first *Critique*."[3] Therein lies the problem of a critique of pure *practical* reason: it does not locate theoretical ethics in the practical sphere.

My purpose in examining Kant's pure/applied, theoretical/practical distinction is to reach a clear understanding of what Kant regards as the practical dimension of human experience and, by extension, a clear bearing on what he means by pure practical philosophy. It is important that we do so because Kant does, after all, *have* a theory of ethics. Although much of Kant's theory is enunciated outside of the critical context, some of the examples offered as illustrations within the critical context seem to import theoretical or empirical elements. But here we must consider, once again, that a grasp of the distinction between the theoretical and the practical is something which Kant *presupposes* (and justifiably so, for apart from this the *Critique of* Practical *Reason* should be seen as something entirely superfluous). The import of a clear understanding of the practical is that it allows one to explore Kant's moral philosophy (in its pure sense) unencumbered by the confusions which his illustrations might otherwise tend to evoke.

In outline: the first chapter will deal with the pure/applied, theoretical/practical distinctions; with the significance of the critical role of Kant's philosophy; and with the purpose of a separate critique of practical reason. Yet in order to arrive at a clear conception of the practical it is necessary, in the second chapter, that we take into consideration Kant's understanding of the difference between the abstract or conceptual and the concrete (between the general and existing particulars) -- in human judgement, between that which is determinate and objective, and that which is indeterminate (reflective) and subjective. (This is necessary because for Kant the difference between the general and the particular is not merely one of degree: what this means in the Kantian context is quite important to the discussion and can be treated most effectively on those terms). In theoretical philosophy, only determinate concepts are objective constructs. While concepts are general, the objects of such concepts (their significance in actual human experience) are particular, subjective (indeterminate) constructs. Transposed in the practical sphere, only determinate practical propositions are objective. The genuinely 'practical' (what transpires in the actual

moment of deliberation) is the particular, subjective object of a practical proposition.

This will shed light on Kant's definition of a maxim as a "subjective principle of action" (as distinguished from an objective principle, or, a practical proposition) which will be central, in the third chapter, to an explication of Kant's understanding of 'the practical.' It will be shown that what the concept of a maxim is meant to refer to is the actual moment of deliberation in an immediate context of action; that a maxim, as that "on which the subject *acts*,"[4] must not be confounded with the objective propositionalization by which it is expressed.

This, in turn, will provide a clear bearing on what Kant means by pure practical philosophy, which abstracts away all that is subjective and particular from a maxim, and addresses only the form of action as such. The elucidation of Kant's critical bearing on moral experience (the fourth chapter) will show why it should not seem surprising that Kant provides a moral philosophy which, not unlike pure theoretical philosophy, is useful only in a negative sense, namely, for guarding reason against errors. One kind of error that Kant has in mind is the natural tendency to treat subjective moral conditions as objective ones, thus to regard particular moral values as absolutes. On Kant's view such values are only subjectively, not objectively absolute: the relevant error results from a natural tendency to hold "the subjective ground of our judgements to be objective."[5] In any case, this kind of error will be explicated with reference to the categorical imperative. A more subtle kind of error is the tendency to mislocate the rationality of others (and, for that matter, of oneself). While the former comprises a psychological error, this marks what may be called an error of theory. There is one sense in which moral theory does fall under pure practical philosophy: to theorize *is*, after all, to act. Yet here it is not theory itself that is at issue but the *act* of theorizing. In its practical application, any intention to treat others morally enjoins such an act. Central to that intention is a presupposition of rationality -- an identification with others as rational beings -- and all ethical theorizing entails such presuppositions. The philosophical problem here is that one tends naturally to treat subjective presuppositions regarding rationality as objective conditions. This kind of error will be explicated with reference to Kant's practical imperative.

I Pure and Applied, Practical and Theoretical Philosophy

In a familiar passage in the first *Critique*, Kant claims that "[t]houghts without contents are empty, intuitions without concepts are blind:

> therefore it is equally necessary to make our concepts sensuous, i.e., to add to them their object in intuition, as to make our intuitions intelligible."[6]

As we know, the passage here expressed is of great importance to Kant's philosophy as a whole. What it means to say that concepts are made sensuous and intuitions are made intelligible warrants further address, but in due course. For the moment I wish to draw attention to something equally important, and which Kant expresses in the paragraphs that follow. Kant continues:

> The understanding cannot see, the senses cannot think. By their union only can knowledge be produced. But this is no reason for confounding the share which belongs to each in the production of knowledge. On the contrary, they should always be carefully separated and distinguished.[7]

Accordingly, Kant divides "the science of the rules of sensibility in general, i.e., aesthetic, from the science of the rules of the understanding in general, i.e., logic."

So does Kant begin to trace "an architectonic plan," (as had been promised in the *Introduction*) by presenting a broad distinction between pure and applied general logic. "In the former," he submits, "we abstract from all empirical conditions under which our understanding [the source of concepts[8]] is exercised."[9] What remains is merely the logical form of rational engagement as such -- its motif, one might say, suspended in relief as the indiscriminate matrix of experience entire recedes from view. One is to consider, in effect, how cognition as such maps onto the world in experience, and to prescind from "the influences of the senses,"

> the play of the imagination, the laws of memory, the force of habit, the inclinations, and therefore the sources of prejudice also... anything which supplies of seems to supply particular kinds of knowledge, for all this applies to the understanding under certain circumstances of its application only.[10]

Applied general logic, in contrast, Kant calls a "catharticon of the ordinary understanding," for it

"refers to rules of the use of our understanding under the subjective empirical conditions laid down in psychology."[11] This remains general in that it refers merely "to the use of the understanding, whatever its objects may be," and "takes no account of the contents of the knowledge of the understanding nor of the difference of its objects."[12] It treats only of the "form of thought," yet it is indirectly connected to psychological or empirical conditions in experience. Unlike pure general logic, general but applied logic is not entirely indiscriminate with respect to the matrix of experience. It involves abstraction from concepts and contents which it *does* discriminate, and reflects the mere form of thought, albeit with respect to these.

In its pure sense, Kant's philosophy is pursued at the level of pure, not applied, general logic. Indeed, we may for simplicity's sake treat of these latter in terms of pure and applied *philosophy*, respectively. As Kant says in the *Architectonic*, "By reason... I understand the whole higher faculty of knowledge, and I distinguish therein rational from empirical knowledge[13]:

> All philosophy is either knowledge derived from pure reason or knowledge of reason derived from empirical principles. The former is called pure, the latter applied philosophy.[14]

Pure philosophy, moreover, does not have a positive use; for "metaphysic... and specifically the criticism of our adventurous reason... alone constitute what may be termed philosophy in the pure sense of the word;[15]" metaphysic, therefore, "serves rather to prevent error than to extend knowledge."[16] No positive theory, however formal, about what lies in the field of human experience will occupy a place here but rather, will be *subject* to critique. As we begin to take into consideration Kant's distinction between theoretical and practical philosophy, we will find that this holds important ramifications for our understanding of his moral philosophy.

It is relatively easy to see how the pure/applied distinction is to bear upon theoretical philosophy. The matter grows more complex when we hold pure practical philosophy in view. One would expect, that is, that while positive theories about objects in nature belong to the applied part of theoretical philosophy, positive ethical theories comprise the applied part of practical philosophy. In Kant's thought, this is not the case. Once again, all positive theories, however formal -- and this includes theories of ethics, of rationality, or what have you -- are 'theoretical' and not genuinely practical. This follows on a rather obvious point: had Kant felt that pure moral philosophy were theoretical, its

subject would have been exhausted in the first (theoretical) *Critique*, and the second *Critique* would have been superfluous. As it is, the *Critique of [Pure] Practical Reason* marks a "transition to an altogether different use [of the "concepts of reason"] than that made of them in the first Critique."[17] I will argue that Kant's moral philosophy, as presented in the critical context, must sharply be distinguished from theoretical ethics on two grounds, (*a*) because no positive theory is 'purely' philosophical and, more importantly, (*b*) because 'theory' is not to be regarded as genuinely 'practical' in any case. As suggested, to ask why Kant does not regard his moral philosophy (in the pure sense) as an ethical theory would be a bit like asking why he wrote more than one *Critique*. Kant's moral philosophy is to be understood before all else both as *pure* and as *practical*.

To be clear on what, for present purposes, I mean by moral theory, let us take as an example the view (which seems to be quite common) that Kant presents an axiologically qualified theory of moral obligation. On such a view, Kant's moral philosophy is taken to present a psychologically prescriptive moral principle (the categorical imperative) in accordance with which one is to assess what is morally right and wrong regarding human action in general, and to determine specifically what one ought (morally) to do on any given occasion (i.e., to provide guidance in the face of competing moral claims). Viewed in this manner, Kantian 'deontology' is easily amenable to a problem-centered teaching of ethics, wherein vying ethical theories are contrasted and probed for the best resolution to given problems. While this is both useful and instructive, I stress once again that Kant's pure practical philosophy is not to be construed as a vying ethical theory. There should be no doubt that Kant himself *has* a theory about how one is to act morally (a theory no doubt related to his conception of pure practical philosophy). Everyone has a theory, tacit or explicit, about how properly to conduct oneself in circumstances that are taken to mark morally momentous occasions. Elements of Kantian moral theory can certainly be drawn from his non-critical works, i.e., the *Metaphysics of Morals*. In the preface to the *Doctrine of Virtue*, however, Kant makes some salient remarks on how such a doctrine is to be taught, and which should be considered in light of his claim that "a critique that assesses what our cognitive powers can accomplish a priori... is not a doctrine."[18]:

> The way the teacher presents this (his technique) should not always be metaphysical nor his terms scholastic; unless he wants to train his pupil as a

> philosopher. But his *thought* must go all the way back to the elements of metaphysics.[19]

In the preface to the *Doctrine of Right*, moreover, Kant agrees with Garve that "every philosophic teaching [should] be capable of being made *popular*... [albeit] with the exception only of the systematic critique of the capacity for reason itself."[20] Plainly put, the *Metaphysics of Morals* is not critique, but is itself subject to Kant's *Critique*. As Kant had suggested in the *Groundwork*, a metaphysics of morals "can be in a high degree popular and suited to the ordinary intelligence," providing the "subtleties inevitable in these matters" had been dispensed with in the present *Groundwork*.[21]

Furthermore, in the second preface to *Religion Within the Limits of Reason Alone* Kant claims that "to understand this book in its essential content, only common morality is needed, without meddling with the *Critique of Practical Reason*, still less with the theoretical critique."[22] It can be somewhat misleading, therefore, to claim with an early commentator that "Kant's *Religion*... compares in importance for the understanding of his ethics with his *Groundwork* and the second *Critique*."[23] Granted, this is not misleading where our aim is to explicate Kant's ethical *theory*. It is misleading, however, where our aim is to uncover Kant's critical moral philosophy

For the purposes of the present work I leave to the side anything in Kant's moral philosophy which may be construed as theoretical. Take, for example, Kant's illustrations of one formulation of the categorical imperative -- the "universal principle of duty."[24] It is important to note that this comprises part of the "Passage from Popular Moral Philosophy (*Sittlichen Weltwiessheit*) to a Metaphysic of Morals,"[25] and that this formulation of the categorical imperative is not purely formal. The "nature" of which Kant speaks is that of a teleological system -- the context in which real agents act -- and not nature in the purely formal sense (the "existence (*Dasein*, not *existieren*) of things under laws"). One is to "act *as if*" the maxim *of one's action* were to become a universal law of nature.[26] Indeed, these examples are interesting from a theoretical point of view, but only insofar as they import a teleological conception of nature. Teleology, no doubt, is very important in Kant's *thought*. In order properly to view this formulation of the categorical imperative in the critical context, however, we should first refer it to the *Critique of Teleological Judgement*.

At the root of the problem posed by Kant's illustrations is his tolerance of empirical psychology. On one hand, it is said to have its place "where the proper (empirical) study of nature must be placed, namely, by the side of *applied* philosophy" and, therefore, "must

be entirely banished from metaphysic, and is excluded from it by its very idea."[27] On the other hand, Kant concedes:

> we shall probably have to allow it (though as an episode only) a small corner in metaphysic... because, as yet, it is not so rich as to constitute a study by itself, and yet too important to be banished entirely and to be settled in a place where it would find still less affinity than in metaphysic.[28]

Kant thus allows empirical psychology a place in his system, but "as a stranger only, who has been received for a long time and whom one allows to stay a little longer, until he can take up his own abode in a complete system of anthropology."[29]

For present purposes it is better to be somewhat less tolerant of empirical psychology, that is, to differentiate it more strictly from pure philosophy. I will be guided in this by some of Kant's later writings, particularly the third *Critique*, and so need not be seen as adding anything to Kant's thought. Yet as Kant had found it necessary to depose knowledge in order to make room for belief,[30] it may be felt that I presume to depose Kant in order to make room for Kant's philosophy. That may be true in some sense; yet it may also be true that a clear bearing on Kant's pure practical philosophy would in the end lead to a richer understanding of his thought on ethics as a whole. However that may be, my present purpose is only to get clear on Kant's moral philosophy in its pure sense, and in keeping with his claim:

> general and pure logic stands to [applied logic] in the same relation as pure morals (*Moral*), which treat only of the necessary moral laws of a free will, to ethics proper (*eigentliche Tugendlehre*), which consider these laws as under the influence of sentiments, inclinations, passions...[31]

The latter cannot constitute a "true and demonstrated science" because, "like applied logic, it stands in need of empirical and psychological principles." Both applied theoretical philosophy and (theoretical) ethics proper may, since they are "general," be formal. They differ from pure logic or pure practical philosophy in that they abstract from principles pertaining to what is empirically or psychologically given, and do not 'map out' as it were the logical form of rational engagement (theoretical or practical) *as such*. They may reflect the "mere form of thought[s]" regarding nature or action in nature, but not the form of theoretical or practical reasoning itself.

II Determination and Reflection

It is important for our understanding of Kant's moral philosophy that we be clear on the ramifications of his critical exclusion of theoretical ethics from the practical sphere. Lest the fact of this exclusion remain in question, consider some of the remarks made in the second *Introduction* to the third *Critique*. Kant regards "the will, as the power of desire, [as] one of the many natural causes in the world, namely, the one that acts in accordance with concepts."[32] It is with regard to the practical, he claims, "that people leave it undetermined whether the concept that gives the rule to the will's causality is a concept of nature or a concept of freedom."[33] This distinction between the "technically practical" and the "morally practical" is to be regarded as "essential," for only the latter belongs to practical philosophy. The former includes "the general theory of [how to attain] happiness... even -- with that goal in mind -- [of] the taming of our inclinations and the subjugation of our affects," all of which "contain only rules of skill."[34] In the first *Introduction*, Kant is somewhat more explicit on the point:

> all [such] practical propositions are nothing more than the theory of what belongs to the nature of things, except here this theory is applied to the way we can produce these things according to a principle, i.e., here we present [how] they are possible through a voluntary (*willkürlich*) act (and such acts are included among natural causes).[35]

Such propositions "may be said to constitute the practical part of a *philosophy of nature*," yet these "are only applications of a complete theoretical cognition and cannot form a special part of a science."[36] Moreover:

> The same holds for the practical precepts containing the voluntary production in us of a certain state of mind... there is no practical psychology as a special part of the philosophy of human nature.[37]

Ultimately, such practical propositions will be found to belong to the "catharticon of the ordinary understanding,"[38] and not to any part of pure philosophy -- theoretical or practical. It can however be quite illuminating for us to accentuate the *practical* part of theoretical philosophy -- as I intend to do in what follows -- despite the fact that its only application is a 'theoretical' one.

To return to the point: one will miss the ramifications of Kant's critical exclusion of theoretical

ethics from the practical sphere if, from the start, one fails to see what Kant means by 'the practical.' In order to avoid this difficulty it will be helpful to set his theoretical/practical distinction against the backdrop of a related distinction, namely, that of determination and reflection (and some of its corollaries: possibility and actuality, the general and the particular, the abstract and the concrete, necessity and contingency...). There is after all both a subjective and an objective side to theoretical and to practical reasoning -- concepts of things or of acts (that is, practical propositions) being determinate and objective, and the objects of those concepts (what they represent in actual experience) being reflective and subjective. In the sections to follow, the difference between theoretical and practical reasoning will emerge quite clearly; we will arrive at a stable understanding of the significance which the practical dimension of experience holds for Kant and, by extension, at a firm grasp of the character and purpose of pure practical philosophy. Through this I hope, mainly for expository purposes, to dispense with at least one of the traditional lines of criticism that have been levelled against Kant's moral philosophy. To take an example, consider Mill's interpretation:

> this remarkable man... does in the treatise in question [the "*Metaphysics of ethics*"] lay down a universal first principle as the original and ground of moral obligation; it is this: "So act that the rule on which thou actest would admit of being adopted by all rational beings."[39]

Yet in its purported application, Mill finds, "he fails, almost grotesquely, to show that there would be any contradiction, any logical (not to say physical) impossibility, in the adoption by all rational beings of the most outrageously immoral rules of conduct."[40] As will be shown, this charge contains a very keen insight. In effect, Mill is quite right about the categorical imperative. Unfortunately, he has mistaken it for a "[theoretical] test of right and wrong,"[41] and has failed to see it in its purely critical context. This is due to some confusion as to what Kant himself takes to be genuinely practical.

Let me begin, then, to explicate the functions of determination and reflection in the theoretical and in the practical domain. Here it is helpful to consider some of Kant's comments regarding the notion of an intuitive understanding. In human experience there is a difference between general concepts and the particulars to which they are taken to refer. It is important to note that on Kant's view, this difference is not merely one of degree.

When we think of a particular we tend to have in mind a concept of something, a concept that is less general than another concept under which ours can be subsumed. We might, for example, have in mind the concept of a dog; it might even be the conception of a particular dog -- say, a pet -- but it is still a universal (as all our concepts are) and it is not the kind of thing Kant actually means by 'a particular.' He means, rather, the object of such concepts in our actual, momentary experience of them. Transposed in the practical sphere, by 'particular act' Kant will not refer to a propositionalization but to the actual act in the moment of deliberation.

This difference between concepts and particulars is something which Kant ascribes to the special character of our understanding, for which there is a subjective distinction between possibility and actuality. The discussion Kant offers in the *Critique of Judgement* (sections 76-77) accounts (to some extent, at least) for the significance of particulars and the contingency they bear in human experience:

> An understanding to which this distinction [between possibility and actuality] did not apply would mean: All objects cognized by me *are* (exist); such a being could have no presentation whatever of the possibility that some objects might not exist after all, i.e., of the contingency of those that do exist, nor, consequently, of the necessity to be distinguished from that contingency.[42]

In Kant's table of the categories, the third category in each class (in the present case, Modality) "arises from a combination of the second category with the first."[43] An intuitive understanding would therefore have no conception of necessity or contingency (the third category) because it has no conception of possibility and impossibility (the first category) but only one of existence and non-existence (the second category). Such a being would never have a concept of a dog without actually experiencing one; the actuality (existence, particularity, subjectivity) of the object of its concept would reside in its (objective) conception of the thing.[44]

In human understanding the actuality, or, existence of the object of a concept is not contained in the concept. What distinguishes human cognition is its receptivity to sensory data. An intuitive understanding, in contrast, is 'archetypal' and originates the actuality of its own objects.[45] While the former is to some extent dependent upon intuition, the latter is purely active and completely independent of sensibility. As Kant expresses it, while our understanding is "a power of concepts, i.e., a discursive understanding," an intuitive understanding is

"a power of complete spontaneity [as opposed to receptivity] of intuition."[46] This is not to say that human cognition is not 'spontaneous': as will be discussed shortly, determinative judgement -- the subsumption of intuition under concepts -- is wholly spontaneous; only, cognitive spontaneity does not in human experience account for the whole of that experience. The experience of an intuitive understanding would be wholly determinative, and the constitution of that experience would involve no reflection. For such a being there would be no distinction between actuality and possibility because all would be at once both objective (conceptual) and existential (albeit in a way we cannot imagine).

The point in mentioning the notion of an intuitive understanding is to draw out the importance of reflection in the constitution of *human* experience. As suggested, there are limitations to the cognitive spontaneity which Kant ascribes to human experience. To recall our opening passages: "thoughts without contents are empty, intuitions without concepts are blind... The understanding cannot see, the senses cannot think."[47] Sensibility is the "receptivity of the soul;" the understanding is "the power of producing representations, or the *spontaneity* of knowledge."[48] The former belongs to the "science of the rules of sensibility in general, i.e., aesthetic," and the latter to the "science of the rules of the understanding in general, i.e., logic."[49] Viewed from the perspective of the power of judgement (which "in a system of pure philosophy... may be annexed to [theoretical philosophy] or [practical philosophy] as needed,"[50]) the constitution of sensibility is *reflective* (subjective), and that of spontaneity is *determinative* (objective). Determinative judgement -- the subsumption of intuitions under concepts -- has both a strict sense and a more general sense. In the strict, or fundamental sense, it refers to figurative synthesis.[51] Only mathematical figures (or numerical values) are strictly (or essentially) subject to spontaneous determination. Thus:

> The concept of a dog indicates a rule according to which my imagination can delineate the *figure* of a four-footed animal in general, without being limited to any *particular* individual form... or indeed, to any *possible* image that I can present to myself...[52]

Natural objects, as strictly determined in figurative synthesis, are nothing more than figures -- one might say, shapes without content of any particular significance. These are mathematical patterns in sense for which one might genuinely determine meanings as geometric shapes: on Kant's example, "the empirical conception of a *plate* is homogeneous with the pure geometrical conception of a

circle"[53], and the content of (Euclidean) geometrical concepts is exhaustively given in their determination.[54] But one does not, in this strict sense, determine the concept of a circle as a 'plate,' for "if the conception is based on empirical conditions, if, for example, I have a conception of a clock for a ship, this arbitrary (*willkürlicher*) conception does not assure me of the existence or even of the possibility of the object."[55]

It is only in a broader sense that one can be said to determine the conception of particular existing things. On Kant's definition of "judgement in general" as "the ability to think the particular as contained under the universal,"[56] all that is required for a determinative judgement is that a universal concept of a possible or existing thing (i.e., a "plate", or a "clock") be ready at hand. There is an important difference between determination in the strict and the broad sense. As I will explain, the 'determination' of actual (existing) things presupposes their antecedent reflective constitution *as* things. The significance of a piece of wood, for example, could not exhaustively be 'determined' as that of a "stick," for without reflection such an object could never be apprehended as anything more than an abstract perceptual form or figure. As Kant expresses it:

> In terms of the universal [supplied by the understanding] the particular, as such, contains something contingent... [yet] it is impossible to derive the particular laws as regards what is contingent in them *a priori* from the universal ones, [i.e.] by determining the concept of an object.[57]

What is required for the conception of a perceptual form as a "stick" is a "lawfulness of the contingent," namely, "purposiveness."[58] As will be explained shortly, purposiveness is the reflective principle on which existing particulars are constituted as such.

A difficulty we must resolve, however, is Kant's explicit denial of the constitutive (determinative) character of reflective judgement.[59] To this end, the sense in which reflection is constitutive for particulars can be explained as one in which it is constitutive for the particular *content* of our conception of existing things. Accordingly, where an object is looked upon as a thing (i.e., a dog or stick) it is being regarded, in Kant's terms, as a "purpose." A purpose is defined, "in terms of its transcendental attributes (without presupposing anything empirical...[60])," as follows: "insofar as the concept of an object contains the basis for the object's actuality, the concept is called the thing's purpose"[61]; or alternatively, "a purpose is the object [or state of affairs] of a concept insofar as we

regard this concept as the object's cause (the real basis of its possibility)."[62] H. W. Cassirer provides an interpretive analogy that is quite helpful:

> The purpose of an ear is hearing. What do we mean when we make such a judgement? We mean that the object (the ear) would not exist but for the function which it fulfils. This function is not an object of sense. It is a content of thought, a concept.[63]

What the analogy suggests is that the significance of an otherwise merely abstract, 'determined' object as a particular 'existing' thing is immediately connected with its function in human experience. Thus in a soundless universe, we would do without the familiar conception of an 'ear,' for that particular conception would have no immediate bearing on human experience ('ear' would fall in the same class, perhaps, as do 'appendix' and 'coccyx').

One must take caution, however, not to place too much emphasis on the concept of function, for it is not wholly equivalent to what Kant means by purposiveness ("the causality that a concept has with regard to its object").[64] Their connotations differ somewhat: the former suggests a "real" (efficient, mechanical) causality while the latter implies "ideal" (final) causality.[65] The causality of purposiveness, that is, is wholly conceptual, and is quite distinct from the kind of causality one would experience among given particulars in the world as such.[66] It is in virtue of purposiveness that one is presented with *particular* things in the first place, and to which one might subsequently apply the concept of causal function -- *might*, because any number of particular things (e.g., 'useless' stones, etc.) might not be understood to have a function in the proper sense at all, and yet as particular things would be no less significant, say, than a wave on the ocean, or a newly discovered species of animal. As Kant suggests, "we call objects... purposive even if their possibility does not necessarily presuppose the presentation of a [real] purpose [or function].[67]

The particular content of existing things is that which is actual (or possible, i.e., for the understanding that merely "thinks" them [68]). This, for Kant, is equivalent to saying it is *contingent*. Consider:

> the two propositions, that things can be possible without being actual, and that consequently one cannot at all infer actuality from mere possibility, do indeed hold for human reason...[69]

To explain how this relates to contingency: As we have seen, for an understanding to which the distinction between actual and possible does not apply -- a 'power of

complete spontaneity' -- whatever it cognizes *is* (exists).[70] For such a being, there is no "contingency" because nothing is merely possible or impossible.[71] All its judgements, in fact, are wholly determinative. Human cognition meets with equal success only in simple mathematics.[72] In the world of actual experience, cognitive spontaneity alone yields nothing more than an abstract, generic conception of nature, for all particular things are cognized through a "very *contingent*" harmony between "natural characteristics and our power of concepts."[73] What human experience requires, therefore, and an intuitive understanding does not, is the reflective principle of purposiveness -- that is, the reflective (and not exhaustively determinative) causality of the actuality of its objects.

Now Kant claims that the principle of purposiveness is merely regulative, not constitutive, and this is wholly in keeping with the tenor of his philosophy: While reflection is subjectively constitutive for the particular (contingent) content of actual things, objectively speaking it is 'merely' regulative because the significance of any particular thing is not necessary but contingent. In other words, the principle of purposiveness is merely regulative *a priori* (else a "stick" would *necessarily* be a "stick"); and yet, as we have seen, it is held, in some sense, to *function* constitutively insofar as it enables the subject to round out an otherwise wholly abstract conception of the world with contingent content -- a content which cognitive spontaneity alone does not furnish. It accounts for the fact that we can conceive "dogs" and not merely their abstract spatial form; or of "ears" in terms of their immediate function in experience.

What is peculiar about objects regarded as functional is that, unlike mere perceptual forms, these cannot (in an exhaustive sense) spontaneously be determined *as functional* at all. The concept of function, that is, has no immediate empirical counterpart. Nor do a number of other things Kant lists as "purposive":

> we call objects, states of mind, or acts purposive... we do this merely because we can explain and grasp them only if we assume that they are based on a causality [that operates] according to purposes...[74]

But it is only from a peculiar point of reference that one would "call," "explain" and "grasp" objects as purposive things. One does not pause, in apprehending a thing, to ponder its conceptual causality. This is only how the transcendental philosopher must explain it -- albeit not without reason: "Call," "explain" and "grasp" (along with "reflection," "judgement," "conception," etc.) are terms

borrowed from psychology; but Kant's aim is pure philosophy -- that is, a genuinely philosophical way of addressing the subject of psychology.[75] The transcendental philosophy marks, for Kant, the move from psychology to philosophy proper in virtue of its non-psychological (purely formal) deployment of psychological terms; that is, by providing a way to think philosophically about the psychological subject.[76]

Reflection accounts for the particular quality of conceptions, and is based on the notion of "a causality [that operates] according to purposes;" or, Kant adds, "on a will that would have so arranged them in accordance with the presentation of a certain rule [i.e., deliberately]."[77] This means the subject (the "will") reflectively constitutes 'objects,' 'states of mind,' or 'acts' as such.[78] And yet as *particulars* (as they occur in *actual* experience), each is contingent. Says Kant: "the concept of a thing as a natural purpose is empirically conditioned, i.e., a concept that is possible only under certain conditions given in experience,"[79] and therefore cannot be treated "dogmatically [for] determinative judgement":

> [For] not only are we unable to tell whether or not things of nature considered as natural purposes require, for their production a causality of a very special kind (an intentional causality) but we cannot even ask the question.[80]

Kant concludes that such a concept is "merely regulative for reflective judgement" --but, once again, not without reason: we cannot *ask* or *tell* whether purposiveness requires intentionality because, for Kant, reflective constitution is *subjectively* necessary.[81] Yet the transcendental perspective bars explicit mention of reflective constitution, and does so on these grounds: the principle of purposiveness (which judgement possesses... for the *possibility* of nature"[82]) holds (subjectively) *a priori*, but in the transcendental philosophy, constitutive *means* constitutive *a priori* (i.e., objectively determinative). Kant therefore affords the principle a merely subjective validity precisely because purposiveness is a "[necessary] lawfulness of the *contingent*."[83] Yet even though reflection is only subjectively constitutive, one should bear in mind that the object of the transcendental philosophy happens to be the individual thinking subject, and that the subjective perspective is ultimately of great importance -- indeed, is central -- to Kant's thought.[84]

In summary: An intuitive understanding is a non-discursive power of complete spontaneity, and this means it is wholly non-reflective. Since it is archetypal, its

determination of an object is sufficient for the existence of that object in its particularity. There is, for such a being, no question of the possibility or impossibility of a thing because all objects cognized by it *are* (exist), and it knows no distinction between necessity and contingency.[85] A human (discursive) understanding, in contrast, does not 'spontaneously' yield the actual existence of particular things. While cognitive spontaneity yields universal concepts, all particular cognitions of existing things are (for us) shot through with contingency. Determinative judgement yields objectively valid (necessary) cognitions which, in their generality, abstract away all particularity. Reflection, in contrast, furnishes the subjectively valid (contingent) cognition of things in their particularity. No human concepts of particular things originate spontaneously (determinatively); they do so, rather, through reflective constitution. Once so given, each can function for subsequent determinations of apprehensions falling within the same class. Although Kant distinguishes determinative from reflective judgement in saying that while the former occurs when the universal is given, and the latter when only the particular is given and a concept must be found for it,[86] once a universal has reflectively been constituted, subsequent examples of the particular are, in a broader sense, subject to determination. If this were not the case, there could never be the interplay of determination and reflection through which alone, for Kant, experience of and in the world as a whole is humanly possible.[87]

III LOCATING THE PRACTICAL

We have so far considered the distinction between determination and reflection with regard to cognition, and have 'annexed' Kant's thoughts on judgement only to theoretical philosophy. Given that we call 'objects, states of mind *or acts* purposive,' all of this can be transposed in the practical sphere as well. Once again, cognitive spontaneity is determinative, but answers (in human experience) only to cognition of things in a general (abstract) sense. In the context of Kant's 'theoretical' philosophy such cognition (in its fundamental sense) is of mathematical quantities or spatial figures (hence 'figurative' synthesis). As will be shown, in the context of his 'practical' philosophy such cognition is of incentives to action (*practical* spontaneity). Human experience is not wholly spontaneous but enjoins a sensitive response to a world that is not wholly of our own making. In the framework of a cognitive apprehension of that world, this response to the world is reflective and pertains to the constitution in experience of particulars (contingencies). In the context of Kant's 'theoretical philosophy, reflection makes possible the cognition of spatial figures as things ('purposes'). In the context of his 'practical' philosophy, reflection enjoins the desiderative response (practical *purposiveness*) to such things on the condition that they are already determined as goods, a response through which they are (reflectively) constituted as ends. The (determinative) concepts and (reflective) particulars in the theoretical sphere correspond to incentives and ends in the practical sphere.

This correspondence is in fact quite close: the term by which Kant denotes an end is the same one by which he denotes the particular object of a concept in judgement, namely, "purpose" (*Zweck*). But what is the difference between a 'purpose' in the theoretical and in the practical spheres? In the theoretical sphere, a purpose is the (reflectively constituted) object of a concept of a thing; in the 'practical' sphere, it is the (reflectively constituted) object of a concept of a thing conceived as a good (i.e., of an incentive to action). But what is a thing conceived as a good (an incentive)? As suggested, an incentive is the determinative as opposed to the reflective component of the experience of a good; that is, a general conception as opposed to the immediate experience.

In order to help to secure the insight which this correspondence yields with reference to Kant's understanding of 'the practical,' it will be helpful to situate the discussion of incentives and ends in an alternative context, and to exchange the transcendental

perspective for a plainly psychological one. This will provide a glimpse of the *practical* part of the philosophy of nature, which Kant relegates to entirely to theoretical philosophy because, unlike pure practical philosophy, it *has* theoretical applications (which practical philosophy *cannot*). But allow me first to offer at least a provisional exposition. Central to Kant's understanding of the practical is his conception of a maxim. "A maxim," he claims, "is a subjective principle of action and must be distinguished from an *objective principle* -- namely, a *practical law*":

> The former contains a practical rule determined by reason in accordance with the conditions of the subject (often his ignorance or again his inclinations)[88]: it is thus a principle on which the subject *acts*.[89]

Just as the difference between a concept and a particular is a difference in kind and not merely one of degree, so is the difference between an objective and a subjective principle (basically, a between a practical proposition and a maxim) a difference in kind. One must not regard a maxim simply as a principle of action which is somehow less comprehensive than a broader principle under which it can be subsumed. Let us assume, for instance, that someone has adopted two rules of life: one is not to use a neighbor's telephone, without permission, for long-distance calls; the other is not to steal. Kant would not, on the basis of a difference in degree of generality, distinguish these rules as (respectively) a maxim and an objective principle. Both of these are *objective*; a maxim is to be distinguished by its *subjectivity*. The subjective, for Kant, is woven into immediate, existing reality -- in this case, the present, momentary decision to act.

It is not the case that we go about with a collection of maxims ready to hand, maxims which we may then apply in circumstances that are deemed suitable; for here we are thinking of objective conceptions of deliberative processes. Just as a particular must not be confounded with a concept, a maxim must not be confounded with the objective propositionalization by which it is expressed. As that "on which one [actually] *acts*," a maxim is distinctly existential.

As we proceed now to extrapolate a 'psychological' profile of the deliberative process, it will be helpful to bear in mind what Henry Allison calls Kant's "Incorporation Thesis," and which follows on Kant's claim, in the *Religion*, that "an incentive can determine the will to an action *only so far as the individual has incorporated it into his maxim*."[90] On one hand this

expresses something quite obvious, namely, that the mere conception of a good is of itself insufficient to evoke an action. What I wish to focus on, however, are the more subtle psychological implications of the Incorporation Thesis as it unfolds in the broader context of Kant's thought. Once again, my purpose here is simply to locate what Kant regards as the practical dimension of human experience within the broad, and not purely philosophical, framework of that experience.

1. A Psychological Location

To Locate the practical outside of Kant's purely philosophical framework is, for Kant, to treat it 'psychologically.' In his study in Kant's moral philosophy, H. J. Paton notes with some regret Kant's exclusion of a "philosophy of action" from moral philosophy.[91] While 'psychology of action' might better express what Paton has in mind (since Kant's moral philosophy is to be a pure "philosophy," at least of *moral* action) Paton's malaise is not groundless. How "desires and inclinations.., with the cooperation of reason" give rise to "maxims" is, as suggested, a topic Kant assigns to "empirical psychology."[92] "Nevertheless," claims Paton:

> he does not wholly ignore such topics in his own moral philosophy, and it can hardly be doubted that he takes for granted a good many doctrines of this kind which it would have been well if he had set forth specifically... [for] this would have been a great help towards understanding his moral philosophy.[93]

Once again, it may be somewhat off the point to suggest that Kant does or does not "ignore" such topics in his moral philosophy: if indeed they are philosophically irrelevant, then it does not matter to Kant's *philosophy* whether he ignores them or not. Yet in some sense the empirical must matter to our (and Kant's own) understanding of that philosophy in its *relation* to actual moral experience.

Central to our examination of the "cooperation" of reason in the formulation of deliberate acts are the connotations of Kant's use of the term "*uneingeschränkt*" (absolutely) as it is contrasted with "*an sich*" (in itself). The former is commonly translated as "unlimited," and while such a translation is adequately faithful in a literal sense, it fails on other grounds. On one hand, it marks an inconsistency in translation; more importantly, it fails to do justice to the dynamism implicit in Kant's use of the term.

The German equivalent to "unlimited" is *unbegrenzt* (or perhaps, *unbeschränkt*), and it is a term Kant employs with regard to such things as finite magnitudes.[94] *Einschränkung*, however, alludes to something a bit different. In order more clearly to distinguish the concept we offer, as an alternative, the term "qualification". This after all marks the closest translation when we proceed from English to German.

The qualifying (as opposed to limiting) conditions of a thing are what, on Kant's view, disentitle it to the status of absoluteness, either with respect to its possibility, its validity or its goodness. In other words, insofar as a thing's existence is (not absolutely) possible, valid or good, its existence is qualified (*eingeschränkt*) with regard to something else. There are however two ways of looking at existence. While a thing's existence may be possible or good in either a qualified or an unqualified (absolute) sense, it can also be viewed as possible or good merely in itself. This, Kant insists, is "the least that can be said of an object," for here we restrict ourselves to the mere conceivability of the thing as possible or as good, and do not take any regard for what this would mean in any particular context of its existence. For example, the existence of unicorns is in itself possible, but this suggests nothing about how or why it might or might not be possible. In effect, the concept "in itself" might well capture our thought of the possibility *of* something, but it will not contain any information *about* its possibility.

Now the *Groundwork of the Metaphysic of Morals* opens by introducing the notion of absolute value: "Nothing anywhere in the world -- indeed, nothing even thinkable beyond the world -- can be held to be good without qualification (*ohne Einschränkung*) but a good will alone."[95] In the *Critique of Pure Reason* "*ohne Einschränkung*" is, we have seen, the terminology Kant employs in order to specify his use of the term "absolute"; viz, "valid in all relations (without qualification -- *uneingeschränkt*)[96] His point there is to contrast the 'absolute' with what is valid only in a comparative (or particular -- *besonderer*) regard."[97] As we move from the 'theoretically' absolute to the 'practically' absolute, what the notion of relative validity suggests can be transposed to that of relative *value*. Thus in Kant's moral philosophy, things regarded as good are of comparative value (are good only in relation to *something* else) while what is absolutely good must be of value irrespective of its relation to *anything* else.

Moreover, of something "valid only in a particular regard (Rücksicht)," there is a sense in which something is true of it "considered *in itself*, and therefore of its inward nature."[98] Thus in the transposition from

'validity' to 'value', all conceived goods which are of value only in the context of some design or "intention" (*Absicht*) -- e.g., "talents of the mind... [or] qualities of temperament... [or] gifts of fortune" -- can be said to be good *in themselves* but not absolutely.[99] Unlike the good will, any such good does not have its "*full* value in itself"[100]: we might say it is not practically good in itself but rather, that its practical goodness exists only in the context of a relation to other goods within which its value is qualified (*eingeschränkt*).[101]

An illustration might be helpful. The root of the term *Einschränkung* is "*Schrank*" (cupboard, or cabinet). For a product, say, a jar of spice, to be of value to the subject, what the term *Eingeschränkt* suggests is, quite literally, that it *exists as a good* only in the "*Schrank*" of its owner. Here one might insist that the product is of value whether it is in the subject's possession or not. Kant would respond by saying that so long as it is not immediately under the discretionary power of the subject it is, for that subject, good merely 'in itself.' It may be that the subject has the funds on hand, with which the product may be purchased; but here we must not confuse the value of the funds with the potential value of the product. At the moment of exchange, it is the money, not the product, that is of *practical* value to the subject. The product becomes a thing of practical value only once it is in the power (in this analogy, the *Schrank*) of the person *for whom* it can be of value (that is, only once the practical value of its means -- the money -- is commuted). Until the exchange is made, the product is of practical value only to the merchant. To the prospective buyer, it may be good 'in itself,' but it is not of practical (*eingeschränkt*) value.

Now when we speak of a subject as the *user* of a product, or of the practical value of a product being subject to her or his *power*, we are looking upon the subject as an *agent*. The relation between agency and value, however, is not quite as simple as our example may suggest. Few goods actually exist in a *Schrank*. For that matter, a thing's goodness does not occupy physical space at all but is wholly intellectual. Moreover, Kant's use of the concept 'in itself' might, on the face of it, seem problematic in view of his expressed view that we are not privy to things as they are in themselves but only as they appear.

These difficulties can easily be resolved when we turn to examine Kant's own examples of relative goods. The notion that certain talents, temperaments (or, gifts of fortune) are good in themselves involves an abstraction from their actual occurrence in the context of human designs. To illustrate why it is nonetheless legitimate to refer to them as good 'in themselves,' consider that

the concept of a 'dog' is an abstraction from any number of experiences of dogs: here we would, on Kant's view, be mistaken to take the concept of a dog as a concept of something as it is in itself. The concept of a good (even of the 'goodness' of a dog), however, is wholly intellectual. Strictly speaking, it will be a concept of something 'in itself' because it has (and can have) no immediate empirical counterpart.

While there is a difference between things as good in themselves and things as things of value, the foregoing holds equally for the latter. As Kant claims, "when moral value is in question, we are concerned, not with actions which we see, but with their inner principles, which we cannot see;"[102] but *moral* values are not the only values we "cannot see." In fact, Kant's claim must be extended to all conceivable values (all intellectual goods); for the sense in which goods are 'good,' not merely in themselves (i.e., determined as such) but as qualified in relation to other goods, is precisely the sense in which they are things of value.[103] Things judged to be good merely in themselves are not, in this respect, judged to have real (practical) value at all.

Consider now what it means to say a quality of temperament is an *eingeschränkt* good. Kindness is not the sort of thing one would place in a cabinet (a *Schrank*). Rather, to say it qualifies as something of value is to say that it *exists as a good* only in the context of other goods to which it is subjectively related. Our earlier example was somewhat misleading because the practical goodness, or, the *value* of a thing is wholly intellectual and therefore cannot, in a literal sense, exist in a *Schrank*. The practical good of a jar of spice, rather, is the subjective value of its usefulness for the agent in the context of related practical goods (e.g., its price; how it will enhance the flavor of a dish, which is being prepared for a distinguished guest, etc.). Similarly, the practical (in a broader sense) value of kindness will be qualified by one's internalized norms, an immediate social (or anti-social) context, etc. -- each of which is subject to its own qualification, and so on.

Evidently, the notion of *Einschränkung* can be difficult to come to terms with. It is however an extremely important notion, and (as will become clearer in due course) the practical analogue to reflection in the constitution of particulars. We turn now to examine, in light of the distinction between 'in itself' and '*(un)eingeschränkt*,' the understanding of agency implicit in Kant's thought. Specifically, we will focus upon the character of, and relations holding between, incentives, and ends and means.

i. *Incentives*

The sense in which something is good 'in itself' is one in which it is conceived as a good, thus determined as an incentive to action, not qualified as an end. Incentives and ends can alternatively be discussed in terms of things *worth wishing for* and *worth willing*. This brings us closer to the how incentives and ends bear upon the element of choice which, for Kant, is integral to agency. Insofar as something is 'worth wishing,' it is not yet become an actual object of choice ('worth willing'). Kant himself draws the distinction in the *Metaphysics of Morals*: "Insofar as reason can determine the capacity for desire in general, not only a *choice* (*Willkür*) but also a mere *wish* (*Wunch*) can be included under the *will* (*Wille*)."[104] While the former is defined as the "capacity for desiring... insofar as it is joined with one's consciousness of the capacity to bring about its object by one's action," a *wish* is the capacity for desiring insofar as it is *not* joined with this consciousness.[105] As will be shown, to *will* is to constitute a practical end of action. When we speak of incentives, we have in mind what Kant means by a *wish*. But what exactly is an incentive?

While the formal elements of cognition are, for Kant, wholly distinct from material elements, all *knowledge* is firmly rooted in and in some sense dependent on the sensuous. Kant therefore regards all actions taken "from interest" as ultimately "pathological."[106] There is however a practical distinction to be drawn between the pathologically "agreeable" and the intellectually "good":

> Both the agreeable and the good refer to our power of desire and hence carry a liking with them, the agreeable a liking that is conditioned pathologically by stimuli (*stimuli*), the good a pure practical liking...[107]

Intellectual interest is distinguished from pathological interest in that it arises "from the intellectual basis, the conceived good."[108] We do well, therefore, to sustain a practical distinction between pathological and intellectual incentives.[109]

Purely pathological incentives, basically, are pleasure and pain (more precisely, inclination and disinclination -- *Lust* and *Unlust*). Says Kant, "That which can be determined only by *inclination* (sensible impulse, *stimulus*) would be animal choice... Human choice, however, can indeed be *affected* but not *determined* by impulses..."[110] Whereas the former may evoke *reactions*, only intellectual incentives involve deliberate *responses*.

To see why this is so, consider what each would mean in relation to the Incorporation Thesis. The Incorporation of incentives into a subjective rule of

action is a deliberative process which, for present purposes, can be illustrated in the form of tacit propositionalization. Doing so, we find, limits the range of possible candidates for the title 'Human Act' by excluding things like instinctive 'knee-jerk' reactions or involuntary cries of pain. A deliberate act follows a discursive procedure. For example:

> i. 'The house is on fire'
> ii. 'I wish not to burn'
> iii. 'I will to leave (and proceed to do so)'

Neither the wish not to burn nor the will to leave would of itself be a sufficient condition for action. The former must first affect a choice. Allison expresses this quite nicely:

> I can perfectly well really desire, that is, wish to be healthy and at the same time also really desire to eat fattening foods... what I cannot do is *will* to be healthy, or, more properly, will to attempt to become healthy, while also refusing to change my behaviour.[111]

Essentially, willing to leave a burning house or to exercise completes an act, but only insofar as it includes the wish. Apart from a wish for something or other, one would not deliberately act (will) at all.

Practical deliberation, ultimately, *is* action; and conclusions drawn typically manifest themselves as *deeds* (*typically*, because the performance of an act is not always overt; that is, not all acts involve deeds. One might for instance first decide to 'remain calm,' and to 'think' about how best to escape the burning house -- both of which are acts). Moreover, there would be no act at all in the absence of any of its constituents (i. ii. and iii.), for each enters into the moment of a single, discreet act. As Allison argues, it is not the case "that we first adopt maxims and then cast about for the appropriate incentive to incorporate into them." Rather,

> in adopting a maxim, one is at the same time incorporating an incentive, since an incentive to act in a certain way is part of the structure of every maxim, even if it is not always made explicit.[112]

Before we examine what exactly it is that distinguishes pathological from intellectual incentives, it should be noted that propositionalization of the deliberative process may provide us with useful sketches, but only once the context of a case has been established, and a relevant incentive has been identified and made

explicit. Strictly speaking, propositionalization tends one toward crass oversimplification. In the example provided, one might indeed wake up, smell smoke, and, without further reflection, make a dash for the window. But as suggested, there can be a number of interrelated acts: once again, one might 'decide' to remain calm, and to 'think' about the safest manner of escape (each of which incorporates an incentive).

Moreover, the wish not to burn might be one incentive among many. There might for instance also be a wish for the fire to go away, or to save the family, or the cat. For that matter, the wish not to burn does not, in this propositional form, fully capture the actual incentive(s). Indeed, someone fleeing a burning building might, when asked why, respond by stating the obvious -- that death was unattractive. But this explicit wish will typically imply a number of unexplicit incentives (i.e., aversion to intense heat, lust for life, difficulty breathing, etc.).

As suggested, each of these must be seen as fundamentally "pathological." What distinguishes an intellectual from a pathological incentive is that the latter is any incentive conceived as a *good* -- or rather, is a candidate for incorporation into a maxim -- while the former is not *conceived* as anything at all.

In an important sense, purely pathological incentives are, in themselves, absolutes. As Kant once expressed it, "pleasure and displeasure are the only absolutes, they are life itself."[113] This does not imply that they are absolute *goods* but rather, that as incentives they are in themselves sufficient conditions for purely instinctual reactions. They are not, however, sufficient in themselves for deliberate acts in accordance with *maxims*. The reason, we will find shortly, is this: while reactions involve only the immediate regard to one's own body or feeling, maxims involve a regard to the external world as such.

The range of candidates for the title 'Human Act' is quite broad, and excludes only reflex reactions and whatever purely instinctual reactions one can imagine. Yet even though pathological incentives are by definition instinctual, this becomes irrelevant once they are incorporated into the deliberative process (that is, once they are no longer *purely* pathological).

In order better to distinguish intellectual from pathological incentives, one might consider that the former do not come with preassigned 'weights'. Their weight, rather, is their value as qualified (*eingeschränkt*) goods; and such goods are qualified in the context of particular maxims framing the response to whatever circumstances and conditions obtain at the moment. Thus the desire for well-being and contentment means something different in the context of a funeral than

it does in the context of a wedding or a business decision. In contrast, the 'value' of any pathological incentive is in itself absolute. These can be quantified, but not qualified. Aversion to pain, for example, will be *less urgent* for someone fleeing *from* open flame than for someone forced to lunge *through* open flame.

As suggested, an incentive is pathological insofar as the regard in the act is solely to oneself (one's own body or feeling). It is only when one pauses to consider any number of *external means* of escape -- to evaluate, perhaps, their risk-potential -- that one stands to incorporate an intellectual incentive (i.e., 'health,' 'well-being,' etc.). Here one takes regard not merely to oneself but to the world. The mark of an intellectual incentive, in fact, is that it finds one *evaluating* external means to the realization of the incentive as an end of action. This evaluation is, once again, the qualification (*einschränkung*) of that incentive *as* an end.

ii. *Incentives, ends and means*

The sense in which something is good in itself is one in which it is determined as an incentive to action, and the sense in which something is held to be of practical value is one in which it is qualified as an end of action. Such qualifications, in turn, are made in terms of the means available for the actualization of an end.

More precisely, intellectual incentives can only have value as goods in virtue of the 'evaluation' of means as instrumental to their realization as ends. They may be good merely in themselves, but only become 'interesting' as they are being qualified as particularly valuable.

This can best be explained in terms of Kant's distinction between wishing (*Wunch*) and willing (*Willkür*). In themselves, intellectual incentives are "without doubt good and desirable (*wünchenswert*) in many [conceivable] designs (*Absicht*)."[114] As *wünchenswert*, these are all, literally, "worth wishing." Here one should ask how they can be worth wishing at all (let alone worth willing): it is helpful, once again, to contrast intellectual with pathological incentives. In an important sense, aversion to pain functions as an incentive only in virtue of one's having the capacity (the immediate, subjective means) of 'averting' pain. This might initially seem counterintuitive; but imagine for a moment that ours were a world of experience *without* physical pain. Would this *in fact* be a world without physical pain? Here we might consider that people are known to lose the capacity to feel certain types of pain, and that to the extent that they do not feel pain, their world is literally without it (they neither have nor experience the pain; it does not exist for them). Their world is without pain, we suggest,

essentially because they are incapable of reacting to this kind of pain.

Alternatively, a creature unlike ourselves might experience a pathological incentive we cannot -- call it an aversion to X (here we can only imagine a place-holder). Such a creature would behave in ways we cannot make proper sense of. We could nonetheless attempt to make sense of its behaviors, albeit only in terms of incentives (pathological or intellectual) with which we *are* familiar; that is, by interpreting its behaviors in terms of responses to *our* kinds of incentives (through anthropomorphism or personification).[115]

But in what sense are *intellectual* incentives 'worth wishing?' Whereas pathological incentives are, in an important (if not crucial) sense, a function of the kinds of immediate *reactions* we are capable of, intellectual incentives are functions only of the *mediate, intellectual responses* we are capable of. In the context of a community in which all resources had for all time been regulated and allocated, at the full discretion of an unseen, absolute sovereign, in proportion to the immediate needs of each subject, 'wealth' or 'abundance' could evoke no more of a response than would 'space travel' for one who has never conceived that the stars are not affixed to the immediate horizon (for such an individual could not conceive of the relevant means).[116] The intellectual incentives with which we *are* familiar are generally 'worth wishing' insofar as they *can* subjectively be incorporated into a deliberative process.

Their specific value as 'ends' of action, or, 'goods' (the extent to which they are 'worth willing') is, however, a function of their qualification through an evaluation of means as instrumental to their realization. To take wealth as an example: For one faced with the prospect of obtaining great wealth, but only by taking the life of another, or by sacrificing a leg to medical research, it might simply not be 'worth willing' at all. The evaluation of means as instrumental to the realization of an incentive as an end of action is a part of -- in fact, antedates -- the ascription of value to the end. Thus one may choose one's leg over wealth; for if it is judged to be of greater value, the incentive does not qualify as a practical good. The practical value of an end is a function of the specific design or intention within which an intellectual incentive (the mere concept of a good) is practically situated. It is a function, that is, of its practical incorporation into a maxim.

One may adopt, as a general principle, "When given an opportunity to obtain wealth, seriously consider it."[117] But in any particular case, the opportunity for wealth -- insofar as it is recognized as an opportunity at all -- will appear only on the far side of its means. If the

required use of means is rejected, so is the incentive and, along with it, the immediate practical formulation of the maxim. Where intellectual incentives are concerned, a rule of action must incorporate not only the incentive but also the relevant means.[118]

In summary, all subjective rules incorporating intellectual incentives involve the evaluation of means which are instrumental to the realization of the incentives as ends of action, or rather, the qualification (*einschränkung*) of those incentives as relative goods. Such incentives may be good merely in themselves, but as such are not practical goods, or, ends. Practical goods exist only in the context of their means. So far, we have considered agency only to the extent that it enjoins a subjective regard to oneself and to the world. In the moral context, we must take into consideration how that world includes other selves. But first, let me flesh this out a bit further.

Kant views the human condition as fundamentally purposive, and the Incorporation Thesis lends this some support. Action cannot occur but for the incorporation of an incentive into the deliberative process, and an incorporated incentive is an end (a "purpose" -- *Zweck*).[119] A point worth considering is that on Kant's view, there can be no inherently negative maxims. One might decide not to take an opportunity as presented, but this will be a distinct, positive act incorporating an incentive quite other than -- as in our example -- wealth. Although the performance of an act (a deed) might indeed be unsuccessful, the successful incorporation of an incentive is indispensable, at least, to the *attempt* to perform the deed.Says Allison:

> ...just as sensible intuitions are related to an object only by being subsumed under concepts, so too [incentives] are "incorporated into a maxim," that is, subsumed under a rule of action.[120]

And there is an important connection here with Kant's architectonic:

> Just as in the theoretical realm the proper, regulative function of reason is to guide inquiry... so too, in the practical realm, its proper function is to guide conduct by framing an order of ends or ought-to-be's.

All agency, in effect, involves an effort to do the 'right' thing, whether this be the 'right' way to do what is deemed bad (i.e., lie without getting caught), the 'right' way to obtain wealth (whether by legitimate or illegitimate means), or the 'moral' thing. Failure to

take aim at some 'right' way to act is equivalent to not acting at all; that is, to not conducting oneself rationally.

This is analogous to a point in Kant's epistemology, namely, the importance of rule-governed synthesis in the movement from the mere manifold of intuition to the ultimate unity of consciousness and experience. This supplies a formal model which, when transposed in the practical sphere, yields the basic structure of the Incorporation Thesis. The synthetic process, or, cognition in general, involves the subsumption of particular features of sense-data ("intuition") under general concepts. Such concepts, in effect, are rules which govern the synthetic process. This process, moreover, "carries with it an element of necessity;" for the "object" of cognition, Kant claims, "is viewed [transcendentally] as that which prevents our modes of knowledge from being haphazard or arbitrary."[121] In a word, successful synthesis is essentially 'correct' as opposed to 'incorrect' (whether or not one is drawing right conclusions). As we move from pure theoretical philosophy to agency, we find that human action requires that the agent be aiming for 'right' as opposed to 'wrong' means -- that any action is essentially 'right' in that rational deliberation requires one's hitting upon whatever means are viewed as *necessary* for the realization of its end. Kant continues: "...insofar as [our modes of thought] are to relate to an object, they must necessarily agree with one another, that is, must possess that unity which constitutes the concept of an object."[122] The unity which constitutes the *concept* of an object is equivalent to the practical *context* of an act, within which alone one *can* take aim for the relevant means.

By 'taking aim' we mean nothing more than the exercise of agency in general. The qualification of an incentive as an end is the 'active' component of deliberation. If, therefore, one is to act -- if one is deliberately to incorporate an incentive -- then insofar as the rule of action incorporates something other than a purely pathological incentive (which it must), one must necessarily incorporate some means as instrumental to its realization as an end of action.

If, for example, one desires to make a tool, knowledge of its production presupposes knowledge of the means required for its production. In fact, the incentive (for the production of a *tool*) turns out in a crucial sense to be the action (the *production* of a tool). In this respect, the means themselves are the proximate end of action, and the object (the tool) is merely the incentive to act subjectively qualified as an end in terms of these means. In the constitution of an end one aims

immediately at the means, and only mediately at the incentive.

To explain: all goods, merely in themselves, are intellectual incentives, and must be capable of being incorporated into a maxim if they are to be realized as ends. The reaction to purely pathological incentives is relatively uncomplicated, for here one has regard only to oneself, and the means for the realization of the incentive are immediate means of action itself, namely, physical reactions. One need not consciously 'aim' for these means at all: since the end is not in any way external to the self, the means are included in the end. Thus the 'determination' of a pathological incentive is sufficient for 'reaction.' No further qualification is necessary because purely pathological incentives are in themselves absolute values (though not *of* absolute value). The sense in which they are subject to a degree of urgency is one in which they are *immediately* qualified, one might say, as *sensuous* goods (or "agreeables," as Kant would have it).[123] They are not *of* absolute value, but neither are they *relative* goods. Relative value is a purely intellectual affair, not a pathological one: A purely pathological incentive can never be qualified as an end of relative value.[124]

In contrast, intellectual incentives can only be *determined* as incentives (as good 'in themselves') in the higher, fuller context of one's regard, not merely to oneself but to the world. As ends, such goods are *qualified* intellectual incentives, and are qualified in the context of an intention or design within which alone their relative value can be specified. This context includes external means necessary to their realization as ends. It is the teleological context of all conditional value. Constituting an end is not here identical to aiming for its means (as it is in the case of pathological incentives, where the end is not external to one's own person). Yet one does constitute an end *by* aiming for the means.

Things good in themselves but not absolutely can have specific value only in the rational context of human designs, and therefore relative to other values. Unlike purely pathological incentives, their value is not static but varies with context and case. Moreover, that they have value at all (that they are somehow 'worth willing') is a function of the evaluation of means as instrumental to their realization as ends. In fact, their relative value in a given context is wholly a function of this evaluation of means because these means turn out, in the crucial sense, to be precisely those other things of value in terms of which they are qualified. If, once again, the incentive is for the production of a tool, it is become an incentive *worth* willing in virtue of its antecedent

determination as something good in itself. Recall that intellectual incentives, as good merely in themselves, are a function of the mediate, intellectual responses we are capable of; that is, of the fact that they *can* practically be incorporated into a deliberative process. This can further be explained in two ways. a) they must be 'practically schematized.'; b) they can be viewed as having a 'price' of use.

a) There is an important difference between concepts of objects ('hammer,' 'banknote') and concepts of 'goods' ('tool,' 'wealth'). All concepts are, broadly speaking, concepts of *things*: but to conceive a thing as a good requires that it be understood as "good for" the subject (as having a "purpose"); viz, as "mediately (*mittelbar*)" good.[125] (Pathological incentives are "intrinsically good"; that is, "immediately (*unmittelbar*)" good and hence, as we have seen, merely "agreeable"). Just as the unschematized category of causality would be nothing more than the logical relation of ground to consequent; so the concept of a thing as good (merely in itself) could never, without a 'practical schematization,' emerge from our abstract concepts of material objects. How a material thing can be an intellectual incentive (i.e., a 'tool') is relatively uncomplicated. It grows more complicated with qualities of temperament or talents of the mind, each of which are only remotely connected with 'things'. But in any case, what the term 'practical schematism' is meant to suggest is equivalent to saying that the 'object' *can* be an intellectual incentive to act.

Thus (b), in practically determining something as good merely in itself, one sees it as something capable of having a 'price'; that is, as *having* some means to its realization as an end. (Once again, no one could apprehend an incentive for space travel (as we know it) on the unquestioned belief that the stars were affixed to the immediate horizon, for in that case one could not conceive the relevant means). At this stage, however, it has no *practical value* as an end of action. Indeed, the thing is no longer regarded merely as an abstract concept of a thing, but is now conceptually determined as an incentive; yet the value of an incentive is practically qualified as an end only in the context of things by means of which it can have value as a practical (intellectual) good, namely, the amount of effort a 'hammer' will save as a tool in the context of manual construction, and the materials out of which it is fashioned (both of which can be of value relative to other possible purposes). That context is an immediate, practical context of means; specifically, the means relative to which the end -- the 'tool' -- is qualified as 'valuable.'

To extend an earlier example: One might face the possibility of obtaining great wealth, but only by means

of sacrificing a leg to medical research. Once again, the incentive, as good merely in itself, can be determined only in virtue of the fact that it *can* practically be incorporated into the deliberative process -- that there are available means for obtaining it; or, that it has a 'price,' namely, the leg. This 'price' will in turn depend on however else the leg is deemed, in the moment of decision, to be of value to the subject. (Even a useless limb may be of some value -- either sentimental or cosmetic -- which will qualify the incentive as a good (an intellectual end)). Here we must not confuse the value of the leg with the potential value in its exchange. At the moment of decision it is the leg, not the wealth, that has practical value. The wealth becomes of practical value only once it is in the power of the agent for whom it can be of value. (Here we leave aside the *hypothetical* value of wealth for the dreamer who merely 'wishes' for it).

Alternatively, one might have the opportunity to abuse another in order to obtain wealth. Here the means one must directly employ include another person. (How, specifically, that person is used -- how one performs the abuse -- is subject to distinct, subordinate acts, but is not our concern here). Once again, one *determines* the incentive as something 'worth wishing for' in virtue of the conceivability of available means, and qualifies the incentive as something 'worth willing' in terms of however else these means are of value to the subject. What is peculiar in this example is that the value of the end (wealth) cannot be qualified without further complication. The means, after all, include another rational self.

We will find that the rationality of persons is very important for our understanding of Kant's practical imperative. The present aim, however, has been to locate the practical within the broad (and not purely philosophical) framework of Kant's thought, and the practical has been located in its psychological aspect. It remains now to conclude this part of the essay with a transcendental location.

2. A Transcendental Location

In section I, the practical was located in its purely philosophical context -- we might say, architectonically. In the juxtaposition of pure and applied, theoretical and practical philosophy, only pure practical philosophy emerges as genuinely practical. Insofar as the principles -- however formal -- of one's practical philosophy presuppose a way of ordering the contents of experience (or rather, insofar as they abstract from anything at all that is empirically or psychologically given), that way of doing practical philosophy falls under applied theoretical philosophy. On Kant's view, while "[t]he philosophy of

nature [i.e., theoretical philosophy] can include empirical principles... the philosophy of morals must contain no principles other than pure principles *a priori*."[126] How can we identify empirical content in a philosophy which purports to be genuinely practical? Here it is helpful to consider the contrast which Kant draws between the categorical imperative, which "alone purports to be a practical *law*," and principles which "may be called principles of the will but not laws."[127] With regard to the latter, he claims:

> What is necessary merely for the achievement of some intended purpose or design (*beliebigen Absicht*) can be considered in itself accidental, and we can always be free of the precept if we abandon the design.[128]

In this case the precept is derivative of a way of rendering the moral dimension of human action -- a general design for how things ought to be. One is doing moral philosophy for a reason, and any such reason depends ultimately upon the kinds of things that matter (morally or materially) to the subject. One provides an ethical theory, and it is conceivable that another could abandon the whole intention behind that way of doing practical philosophy. Someone might, for example, have a different general conception of what is good and bad, and perhaps an entirely different theory of moral action. It does not matter that it is a 'good' or a 'bad' theory: one can reject a paradigm on the grounds of a quite scandalous ethical theory, but still act with perfect moral intentions -- wit and folly have no bearing on the authenticity of a moral intention.

In contrast, "an unconditioned command (the practical law) does not leave it open to the will to do the opposite at its discretion" because it captures what alone is common to any moral intention, and does so irregardless of the theory associated with that intention. (How the categorical imperative does this will be discussed in the next section). Unlike theoretical moral principles, the moral law is not derived analytically "from some other willing already presupposed" but is "connected immediately with the concept of the will of a rational being as something which is not contained in that concept."[129] Pure practical philosophy cannot be derivative of any concerns of the human subject, for such concerns always presuppose 'some other willing' in that they presuppose an actual or hypothetical context of interests (interests which emerge in and through our response to the world not wholly of our own making). What the moral law is meant to express need not pertain to our world at all (that is, to any actual or possible teleological context of human action); it pertains, rather, to rational creatures as

such, and it is conceivable that rational creatures could have moral intentions which we naturally would look upon as quite immoral. It is in this sense that Mill is correct to claim that the categorical imperative would permit, in principle, even 'the most outrageously immoral rules of conduct.'

In the early part of this section, the practical was located in its general psychological context. This, therefore, does not belong to pure practical philosophy. It does yield, however, a fairly clear idea of what Kant would mean by practical reasoning in a teleological context of action. In this aspect, practical reasoning is the constitution of values in an immediate context of deliberation. This cannot adequately be captured, say, in the form of a practical syllogism. A syllogism may capture a deliberative process *in principle*, but actual practical reasoning is not deliberation in principle. Practical reasoning obtains only in the actual moment of deliberation -- in the subjective act of decision, not at an objective remove from such an act. *Einschränkung* -- the qualification of a conceived good as something of practical value -- marks the immediate, real-world constitution of actual practical values. Such values (or, practical goods) do not exist outside the context of their immediate, subjective qualification. Once again, practical reasoning is the act of constituting real values, not merely the cognition of something as good merely in itself. It is not reasoning about having incentives but the qualification of incentives as *practical* goods.

We began tentatively to locate the practical transcendentally by distinguishing, in section II, the subjective from the objective components of experience, and may now carry this forward. We do so in keeping with Kant's remarks, in the first Critique, on the amphiboly of reflective concepts. "Reflection," Kant claims,

> is not concerned with objects themselves, in order to obtain directly concepts of them, but is a state of the mind in which we set ourselves to discover the subjective conditions under which we may arrive at concepts.[130]

"The first question," Kant claims, is concerned with whether our presentations belong to the understanding or to the senses. It is argued that transcendental reflection assigns the components of given concepts to their proper place: the objective belongs to the understanding, the subjective (or, actual appearances) to sensibility:

> without this [transcendental] reflection our use of concepts would be very uncertain, and synthetical propositions would spring up which critical reason cannot acknowledge, and which are simply founded on transcendental amphiboly, that is, on our confounding an object of the pure understanding with the grounds of appearance.[131]

Yet it is only on his discovery of the reflective principle of purposiveness (and its treatment in the third *Critique*) that Kant begins properly to account for the subjective in experience. He does so in terms of the concept of a purpose -- the (subjective) object of an (objective) concept. The subjective, once again, is that which is immediate to the actual experience of a particular. Hence the significance of the concept of a plate associated with the determinate perceptual form of a circle is a reflective construct, and bears only upon the actual experience of a plate ('this' plate) or on the context of its use, not on the concept because that too is determinative and objective.

Analogously, the subjective in action (a maxim) comprises the immediate reality of the deliberative process. By 'particular act' Kant does not have in mind an objective propositionalization; rather, he means the immediate reality of an act. Pure practical philosophy is not concerned with principles of action but with this kind of actuality -- with what alone is 'real' in action, namely, 'the practical.' Objective principles of action (propositionalizations) lie somewhere in between the moral law and maxims, and fall away in the practical context. They fall away when we focus upon the reality of action (i.e., the *practical* part of theoretical philosophy) because they are conceptual (determinative), and determinative concepts do not contain the existence of anything. In this respect, practical principles are not empirical enough to be genuinely practical. They fall away in pure practical philosophy because "here," Kant argues,

> we are discussing objective practical laws, and consequently the relation of a will to itself as determined solely by reason. [Consequently], everything related to the empirical then falls away of itself.[132]

In this respect, objective principles are too empirical to belong to pure practical philosophy.

In the opening to this section I mentioned the correspondence of determinative concepts and reflective particulars in the 'theoretical' sphere with incentives and ends in the 'practical' sphere. In each domain, there

is a part which must be referred to the understanding and a part which must be referred to sensibility (thus to reflective judgement). With regard to the former (determinations) there is a distinct dissimilarity between theoretical and practical concepts. We do not have theoretical concepts of things as they are in themselves, for these (as noumena) lie beyond our cognitive grasp. Only for an intuitive understanding could things be wholly intellectual, and objectively be cognized as they are in themselves. We do however conceive of things in that aspect in which they are *good* in themselves, for their goodness is wholly intellectual.

In contrast, in the reflective part of the theoretical the practical there is a distinct convergence. Kant calls both the object of a 'theoretical' concept (i.e., the existence of a thing in its particularity) and the object of a concept of a good (the end of an action) a "purpose" (*Zweck*). Recall that a purpose can be explicated (transcendentally) as "the object of a concept insofar as we regard this concept as the object's cause (the real basis of its possibility)" and purposiveness as "the causality that a *concept* has with regard to its *object*."[133] As we move from 'theoretical' to 'practical' philosophy, this can be transposed as follows: A practical purpose (an end) is the incentive of a maxim (considered objectively, as it must be in a purely philosophical context) insofar as we regard this maxim as the incentive's cause; practical purposiveness is the causality that a maxim has with regard to its incentive. Kant himself claims, after all, that acts (and hence maxims) too must be viewed as purposive if we are to "explain and grasp" them.[134] This transcendental explication of deliberate action can therefore fit quite nicely alongside its 'theoretical' counterpart.

Kant speaks of an incentive as something which "coexist[s] with the absolute spontaneity of the will."[135] Accordingly, Henry Allison identifies the Incorporation Thesis with "practical spontaneity."[136] While it is wholly consistent with Kant's philosophy to call the incorporation of an incentive by that name, one might also consider that, beyond simple mathematics, determination, or, spontaneity only accounts in general for human experience (and human action) in any case. Complete spontaneity, once again, is something which Kant reserves for an intuitive understanding. Incentives may 'determine' the will to action, but this tells us little about what, subjectively, the actual incorporation of an incentive into a maxim must involve.

One does not actually act *in* an incentive (or *in* principle) but *on* one. Along with particular things action too must, from the subjective standpoint, reflectively be constituted as action. What is

interesting about action is not practical spontaneity -- what, in general, is *objectively* necessary to particular actions -- but contingencies which, *subjectively*, are necessary to real action in an actual world of contingencies. The actuality of particular things or of ends can be dealt with in terms of the reflective principle of purposiveness. In the practical domain, this "*power of being the cause... of the actuality of objects*" is "desire"[137]; or rather, "the will, as the power of desire... [which] acts in accordance with concepts,"[138] but the objective reality of which "is proved only in worldly beings."[139] Human experience, as that of worldly beings, is characterized by a receptivity in addition to spontaneity, thus by responses to a world not wholly of our own making. It is the *objective* reality of such responses that Kant describes as a practical *spontaneity* (and he speaks, therefore, in terms of things *determining* the will to action); the *subjective* reality of such responses is best described as a practical *purposiveness*, and can be understood (psychologically) in terms the concept of *Einschränkung*.

The concept of *Einschränkung* elucidates practical reasoning in the concrete. To arrive at an end is to complete an act, for an incentive is not actually qualified as a practical good until the moment in which the act is 'taken' (or an item is actually 'purchased'). Once again, practical reasoning is the constitution of values, of particular practical purposes -- the objects of incentives as these are qualified in the deliberative process. We may indeed objectify maxims when we express them as propositions but to do so is to lose sight of the genuinely practical dimension of experience. Properly speaking, we begin to 'theorize'; for, Kant claims:

> practical propositions that in their content deal merely with the possibility [not the actuality] of a presented object (through voluntary action) are only applications of a complete *theoretical* cognition.[140] (my italics)

These practical propositions must be distinguished from those "that directly express, as necessary, the determination of an act by the mere presentation of the act's form (in terms of laws as such) without regard to the means [used] to achieve the act's object."[141] Only these latter belong to "a special part of a system of rational cognitions, a part called practical philosophy." Their merely formal expression of the "determination" of an act is an expression of practical spontaneity, the objective component of an actual (subjective) act. Says Kant:

> propositions of performance, with whatever science they may be affiliated, we might call technical rather than practical... For they belong to the *art* of bringing that about , from which one wants that something should be[142]

As I have argued, theoretical ethics is included in this latter set as "the practical part of a *philosophy of nature*."[143]

In summary: only pure *practical* philosophy is moral *philosophy*. Insofar as it is practical, it comprehends action, not from the point of view of any theory of action (moral or otherwise), but as action as such. In his pure practical philosophy, Kant dismisses all that is empirical from the actuality of action, leaving only the bare structure of action as such (its logic -- how action maps onto the world in the constitution of practical experience). Moral action viewed from a theoretical perspective enjoins empirical conditions, yet insofar as practical philosophy is pure, it abstracts from all such conditions (thus also from theoretical ethics). Both in theory and in practice, specific kinds of things are understood to be moral or immoral for various reasons. Such reasons, however, are always quite particular, and stand in the way of a purely philosophical conception of the moral act. A purely philosophical conception will capture only that which is morally universal -- one might say, the topography of the moral act without regard for the diversity of reasons which subjectively qualify any particular as moral or immoral. Here one might protest, and claim that if it does not take into consideration what, morally, we care about, then it may be philosophy but it is not *moral* philosophy. This kind of charge is analogous to one a Christian might make upon reading the *Religion*. It has been held that the Christian message is severely compromised in Kant's thought in that that thought situates religion merely within the bounds of reason. In a sense this is true, for it is only the rationality, not the spirituality, of the faith that Kant professes to deal with. Yet genuine objects of faith are there allotted a space beyond human knowledge, hence beyond direct philosophical demonstration anyway.[144] Similarly, one may feel that her *moral* message is compromised in Kant's philosophy. These two cases are symmetrical. Says one: 'Kantian thought will admit as genuine religion anything that goes by the name; any religion is as good as no religion, therefore Kantianism is fundamentally irreligious.' Says the other: 'Kantianism will admit as moral anything that goes by the name; any morality is as good as no morality; this 'empty formalism' would find no contradiction 'in the adoption by

all rational beings of the most outrageously immoral rules of conduct.'

One must take seriously Kant's claim that pure philosophy consists solely in metaphysic and critique, and that critique is useful only in a negative sense, namely, for "guarding reason against errors."[145] One should not look there for a positive theory of anything, let alone of morals. As will be shown in the next section, the negative use is useful enough, providing it is kept pure of empirical elements.

All theory contains empirical elements. To treat the moral law as theoretical is to view it under empirical conditions, and this runs counter to Kant's intentions. Says Kant, "That pure reason is alone practical... one had to show this from the commonest practical use of reason by producing evidence that the highest practical principle is *a principle recognized by every natural human being* as the supreme law of his will."[146] The moral law captures only what is common to any moral intention. Its 'ought' is transcendental, not psychological. However general our theoretical principles may be, to read the moral law theoretically (psychologically) is to confound it empirically, and to destroy its certainty as universally descriptive of the moral act as such:

> Since all determining grounds of the will (except the one and only pure practical law of reason, i.e., the moral law) are empirical and as such belong to the principle of happiness, they must be separated from the supreme practical principle and never be incorporated with it as a condition.[147]

The incorporation of empirical principles in the moral law "destroy all moral worth just as surely as any admixture of anything empirical to geometric axioms would destroy all mathematical certainty."[148]

That the moral law has only a negative use does not mean it is not important. One can treat others badly with a perfectly moral intention, and the categorical imperative captures the morality of that intention (here Mill is correct). Yet in the broader context of the critique of pure reason, it can also point out the sense in which that intention is purely subjective and, therefore, can lead one to think more carefully, both of one's actions and of one's appraisals of others. It can have this use, however, only insofar as it falls within the scope of the critique of *pure* reason. Outside of that context, it would have to be construed as something which presumes to prescribe whatever particulars happen to fall under a merely subjective (ultimately empirically conditioned) construal of a universalizability principle. In Kant's purely philosophical sense this would be absurd,

for universalizability there is not subjective but objective.[149]

IV THE CRITICAL BEARING

When we consider that, for Kant, the difference between abstract and concrete, general and particular is a difference not in degree but in kind, the ramifications which his distinction between pure and applied, and theoretical and practical philosophy can hold for our understanding of his moral philosophy should become quite clear. Applied philosophy will include psychology, political science, "statesmanship, political economy, rules of household management as well as of etiquette (indeed, why not all professions and arts?"[150] Here we might include any theory of rationality, however formal, which delimits reasoning in any substantive way. Insofar as it is substantive, a definition of rationality will presuppose specific empirical contents. Even 'the mere capacity to constitute values,' while a strictly minimalistic conception of practical reasoning, is basically theoretical and not practical in Kant's sense, for the concept of value belongs to the doctrine of happiness, in which "empirical principles constitute the entire foundation."[151]

To explain: the *conception* of a particular value is the conception of something as good (in itself). To conceive of anything as good is to make a judgement -- to subsume a thing under a concept of the good (for 'goodness' is not necessarily contained in the concept of, say, a coin or a tool; rather, such things must be viewed under some notion of what is good in order to be taken *as* goods). The general concept of goodness is the genus 'happiness,' which has as its foundation all specific objects of happiness. In effect, the general conception of value and that of happiness are equivalent. We may go so far as to say that the incorporation of an incentive (a conceived good) into a maxim (literally, the 'maximization' of an incentive) is the maximization of happiness -- providing we take happiness in a qualitative, not a quantitative sense. Yet insofar as this belongs to 'theoretical ' philosophy it may be stricken from our consideration of Kant's pure practical philosophy. The object of Kant's moral philosophy is not moral theory: the powers of reason, not the contents of the understanding, comprise the object of Kant's critical philosophy as a whole.

So what, specifically, is the object of pure practical philosophy? Recall that the object of a determinate concept is a subjective particular (a purpose or end). Now the whole of Kant's philosophy consists in the objective expression of its subject. What, then, is the object of pure *theoretical* philosophy? One might be tempted to say it must be applied philosophy, but this is not the case. The object of the transcendental philosophy

is the individual thinking subject. The object of pure theoretical philosophy is the subjective form of *cognition* as such. The object of pure practical philosophy, in turn, is not applied philosophy because all applied philosophy is theoretical -- hence its object is not, as one might expect, moral *theory*; rather, it is the subjective form of *action* as such. Indeed, this will include the act of theorizing (whether or not it be ethical theorizing) but not the content of any theory. This, perhaps, is the reason for Kant's claim that "[t]he concept of freedom [as opposed to the concept of nature -- hence, pure practical as opposed to pure theoretical philosophy]... is the keystone of the whole architecture of the system of pure reason and even of speculative reason.[152]

We may now inquire into the nature of the critical bearing on moral experience which Kant's pure practical philosophy provides. Here I will focus only on two formulations of the moral law; namely, the categorical imperative and practical imperative (the formula of humanity). I will argue that the critical bearing which Kant's moral philosophy is intended to provide is forfeited when we regard that philosophy as an ethical theory. With respect to the categorical imperative, to regard it as theoretical is to regard it as psychologically prescriptive, and I will explain why we are not to regard it in this way.

Similarly, the practical imperative cannot properly be understood as a moral-psychological command to treat persons as ends. In each case, the imperatival 'ought' is transcendental, not psychological, and is best viewed on analogy with Kant's claim, in the third *Critique*, that "we must necessarily presuppose and assume" (among what "to human insight is contingent in the particular"[153]) a "unity, since otherwise our empirical cognition could not thoroughly cohere to [form] a whole of experience."[154] This is not intended to suggest that we must (or 'ought' psychologically to) ponder unity in order to have a coherent experience in and of the world. The point is transcendental.[155] Says Kant:

> If we try to indicate the origins of [the principles by which we experience nature as a coherent whole] by following the psychological route, then we go wholly against their meaning.[156]

Psychological principles do not say "by what rule or cognitive powers actually play their role, and how we judge;" but they presume nonetheless to say how we "ought to judge." In this context, however, the prescription would be misguided; for "if these principles are merely empirical [as all psychological principles are], they

cannot yield this logical objective necessity."[157] The "law of the specification of nature in terms of its particular laws," in virtue of which nature is experienced as a unified whole, is what "judgement prescribes, not to nature... but to itself."[158] Similarly, the 'ought' of the moral law is transcendental and objective, not psychological and subjective.

1. The Categorical Imperative

Kant readily admits that there is a "very serious" reason for our difficulty in comprehending the possibility of the moral law.[159] The reason is that it is not derived analytically "from some other willing already presupposed" but is "connected immediately (*unmittelbar*) with the concept of a rational being as something which is not contained in this concept"[160]:

> I connect action (*die Tat*) with the will a priori and therefore necessarily (although only objectively so -- that is, only subject to the Idea of a reason having full power over all subjective impulses to action).[161]

In reality, "we do not possess any such perfect will;" therefore, our actions (*Handlungen*) cannot be connected with the will in quite this way. From here, it is easy to see at least what the moral law cannot be. It cannot be derivative of any moral concerns of the human subject, for such concerns always presuppose some other willing. They presuppose, that is, an actual or hypothetical context of human desires which, for a reason without full power over all subjective impulses, emerge through the response to a world which is not wholly of its own making (for ours is not an intellectual intuition). Nor can it be derived from what, morally, one may hope; for ours is not a perfect will. There is only one sense in which the categorical imperative can be connected with human reason, and that is as a law which, objectively speaking, reason prescribes, and not as a rule which, psychologically, reason ought to prescribe to actions. The categorical imperative is not intended, in a philosophical sense, to be theoretically (or, psychologically) prescriptive. Were it the case that our reason does have full power over our impulses to action, then there would in fact be no need for the transcendental 'ought'. As it is, our deliberations have a "subjective" component; the categorical imperative must therefore be *expressed* (objectively) as a command:

> because of the subjective character of our practical ability do we have to present [in pure practical

> philosophy] moral laws as commands (and the actions conforming to them as duties) and does reason express this necessity not by *is* (i.e., happens) but by *ought to be*.[162]

An explicit aim of Kant's moral philosophy is to dispense with the claims of "those who deride all morality as the mere phantom of a human imagination."[163] This provides a handy clue to the metaethical status of the categorical imperative (that is, to the kind of thing which Kant is doing in presenting it as an ultimate moral principle). Moral cynicism originates ultimately in the tendency to mistake subjective grounds of action for objective moral principles. A number of individuals may be divided as to the ethical primacy of "perfection... happiness... moral feeling... fear of god," self-interest,[164] or even the categorical imperative (where this is being read as a moral-theoretical proposition).[165] Insofar as each fails entirely to acknowledge any merit in foreign principles, each will remain firmly committed to the absolute validity of her own. Yet it can be somewhat disconcerting to realize that genuine moral conviction is shared in common despite ideological differences. Thus "men of insight... feel confused by [popular practical philosophy, i.e., moral theory] and avert their eyes with a dissatisfaction which, however, they are unable to cure."[166]

But in Kant's moral philosophy the categorical imperative does not occupy the theoretical continuum at all. While the former are all understood as psychologically prescriptive, the latter expresses -- in an abstract, philosophical sense -- precisely what, in the moment of moral judgement, all moral agents share in common, namely, a subjective moral absolutism.[167]

Apart from some firm subjective moral standard upon which to base one's moral convictions, such convictions are always difficult (if not impossible) to justify absolutely. But there is a sense in which, at least subjectively, moral convictions require no justification: In the moment of moral action or judgement, conviction is absolute; for this is how one constitutes one's own moral personality. Thus in the name of tolerance one might prescribe ethical relativism, yet what one would mean is that everyone ought to conform to the rule (as, presumably, *she* does). This is the component of moral action or judgement that the categorical imperative captures, and it does so irrespective of any theory within which a moral intention may be couched. It is derived, in a "wholly abstract manner," not from the general concept of a rational being with specific moral preferences and a commitment to any particular ethical theory (including one which follows on a psychological reading of the

categorical imperative), but from the "general concept of a rational being as such."[168]

One may hold, theoretically, that in order to act morally one must act only on universalizable rules (a theoretical reading of the categorical imperative). The point of the categorical imperative, however, is that in any moral action one is already acting on a maxim through which she can at the same time will that it should become a universal law. In the decision to act morally in the way described, our theorist will *already* be manifesting what, philosophically, the categorical imperative entails.

In its critical role, the categorical imperative cannot be identified with any moral theory, for it would then have to exclude all inconsistent theories a immoral. As the central component of Kant's practical philosophy, the moral law, in fact, critically excludes *all* theory -- including Kant's own ethical doctrine. Recall Kant's claim that critique is not doctrine (or theory)[169] and that, architectonically, no theoretical philosophy is practical. There is no *applied* practical philosophy which one might construe as a practical-philosophical theory, for the slightest admixture of empirical elements in practical philosophy renders it an "[application] of a complete theoretical cognition[170] -- the "practical part of a *philosophy of nature*, which is not genuine *"practical philosophy*" at all.[171] The "philosophy of nature [alone] can include empirical principles, [but] the philosophy of morals [cannot], since freedom cannot possibly be an object of experience.[172] This is why Kant opens the second *Critique* by explaining why the *Critique of Practical Reason* is not called a *Critique of* Pure *Practical Reason*: there is no impure practical philosophy; hence "there is no need to examine the pure faculty itself to see whether it, like speculative reason, presumptuously overreaches itself."[173] Indeed, pure reason "shows" itself and its concepts as practical "right in action as such (*durch die Tat*)."[174] It makes no sense to claim that Kant's moral philosophy is intended to be psychologically prescriptive; if it were, then it would not be genuinely critical at all. The categorical imperative must comprehend the moral ingredient of any act irregardless of the ethical theory or principle on which, subjectively, the agent acts; for what it does not comprehend must then fall beyond the scope of Kant's critical philosophy. Such an intention would defeat the whole purpose of that philosophy, and there is no reason to assume that Kant would be unaware of so blatant a contradiction.

Now the purpose of critique is to avoid error, and a tendency to err will accompany any moral conviction. "All illusion," Kant claims, "consists in holding the subjective ground of our judgement to be objective."[175]

As suggested, in moral judgement the tendency is to mistake the subjective absoluteness of a moral conviction for something that is objectively absolute. In fact, however, the absoluteness of a moral conviction does not extend beyond the actual moment of its expression.

In the moment of moral choice -- that is, *in* actual moral practice (and *only* in *actual* moral practice) the subject means what the categorical imperative means: he actually acts on that maxim (as a subjective, not an objective principle) through which he can *at the same time* will that it should become a universal law. Where there is a moral intention, one takes oneself to be choosing the best course of action among alternatives, and one intends that anyone (given the same surrounding circumstances and subjective conditions) ought to choose that alternative. Philosophically, it makes no difference whether the subject is foolish or bright, sensitive or crude: the categorical imperative is intended to capture the morality of that intention only insofar as it is formally identical to any other moral intention. The manifestation of pure practical reason does not depend upon the viability of any ethical theory: whether it is a good or bad theory is neither here nor there, for "all determining grounds [i.e., incentives] of the will" which are "empirical [hence, theoretical]... must be separated from the supreme practical principle and never be incorporated with it as a condition."[175] Kant later adds:

> if one asks... what pure morality really is, ...by common sense it is long since decided, not by abstract general formulas but rather by habitual use, like the difference between the right and the left hand.[176]

This echoes a passage in the first *Critique*, wherein Kant defends the merely negative bounty of "the laborious efforts of criticism":

> in matters which concern all men without distinction, nature cannot be accused of any partial distribution of her gifts... the highest philosophy can achieve no more than that guidance which nature has vouchsafed even to the meanest understanding.[177]

The critical benefit of the categorical imperative lies in its objectification of the morally practical component of human deliberation, and in its indifference to the theoretical component. Once the nature of the categorical imperative is understood, it can serve to prevent one from putting anything which might be empirically conditioned in its place. It prevents one, that is, from mistaking theoretical principles for ultimate moral principles.

Once again, theoretical philosophy *can* contain empirical elements (hence there *is* applied theoretical philosophy); and, empirical elements are subjective (psychological). The danger in mistaking a theoretical principle for an ultimate moral principle is that this can result in our taking what is subjectively absolute for what is objectively absolute. More precisely, we would intend not only that anyone else would, given *our* reasons, choose a given alternative as the moral one but also that everyone else should *have* our reasons.

Such reasons, however, are ultimately subjective (and ultimately empirical). Objectively speaking, they are 'incentives.' As we have seen:

> since all determining grounds of the will [i.e., incentives] (except the one and only pure practical law of reason... are empirical and as such belong to the principle of happiness, they must be separated from the supreme practical principle and never be incorporated with it as a condition.[179]

In *actual* practice, happiness is always empirically conditioned. Hence the incorporation of empirical incentives into the moral law would "destroy all moral worth just as surely as any admixture of anything empirical to geometrical axioms would destroy all mathematical certainty."[180]

It may seem that very little is accomplished here: we would be quite surprised if ever anyone presumed actually to legislate another's inclinations -- presumed, that is, to demand of others that they should have his *reasons* for taking a course of action. There is of course one sense in which we may expect this of others; we may expect them to share one or some of our goals (our *conception* of ends, namely, our incentives). But Kant is not actually referring to incentives in this sense. The empirical component of 'determining grounds of the will' (incentives) is really the subjective, psychological component, namely, the incentive qualified as a purpose (an end). If one of my actual (subjective, psychological) ends were contained in the moral law, this would imply that no one could have a subjective moral intention except on the condition that it be identical with mine. This would indeed destroy (in principle) all moral worth in the sense that it would disqualify, as moral, any moral act chosen on alternative subjective grounds. It should be clear that this poses no danger in fact but only in principle, and that the critical use of the categorical imperative is of itself negligible. It does however serve an important purpose as a counterpoint to the practical imperative.

2. The Practical Imperative

There is a more subtle kind of error which falls under the critical mandate of the practical imperative, namely, the tendency to mistake our presuppositions regarding rationality for objective conditions. As will be shown, this kind of error approximates, not only in principle but also in fact, the presumption that others ought to have our reasons (as subjective conditions) for action. Its effect is not, however, to make one question the morality of others but rather, to undermine their dessert of our moral intentions.

The practical imperative is: "Act in such a way that you always treat humanity, whether in your own person or in the person of another, never simply as a means, but always at the same time as an end (*Zweck*)."[181] This "principle of humanity" is described as "the highest qualifying condition (*die oberste einschränkende Bedingung*) of every man's freedom of action."[182] Central to Kant's conception of humanity, or, personality, is the concept of rationality: It is only insofar as another is understood to be rational (or autonomous) that she is being regarded as a person -- a candidate for the reception of a moral intention. One might hold, as a general rule, 'Do not take the life of anyone named Charlie (or of the cat).' What makes this a *moral* rule of conduct (i.e., Do not "murder" Charlie) is the fact that Charlie is a person (or that the cat is being looked upon as a rational creature).[183] Of itself, the decision not to take the life of Charlie is not a moral decision but an ordinary decision which may or may not be subsumed under a general idea of what it means to be moral (under which alone the rule inveighs against 'murder').[184]

The general idea of morality can be explicated as follows. Consider any number of instances in which one might treat another with a special regard for their person: A man casually strolls the street and another rushes up to return a coin that had fallen through his pocket. Then, with his eye intent on a display of new trousers, he collides with an innocent, elderly woman who, nonetheless, kindly apologizes. A thief lunges for her purse and a casual bystander intervenes. You proceed to assist but stumble off a curb, and someone pulls you out from in from of an approaching bus. Apart form the fact that all of these acts are directed specifically at persons, each one shares something in common with the others. What exactly that is may seem hardly tangible, for they differ considerably in terms of their particularities. Yet given enough of them, a singular conception of a kind of act would eventually emerge, yielding in outline an idea of what it means to be moral (perhaps, like a lightning flash behind a house, which

reveals nothing more than a specific domain of ordinary human existence).

Once again, moral acts occur only when the recipient of the act (oneself or others) is being regarded in terms of her rationality. The same holds for moral appraisals: one cannot conceive of a child as evil unless one first looks upon it as rational, or of the devil as evil except where some degree of anthropomorphism is involved.

Similarly, one would not think to treat a cat *kindly* unless it is being looked upon as a creature with distinctly human sentiments. Once again, one would not think to murder Charlie (or the cat) unless he is being regarded as a rational being. The rule 'Do not take the life of Charlie' does not in itself contain the concept of personhood. In order to understand the nature of Kant's conception of humanity as an end in itself, it is of the utmost importance to understand that this, in fact, *is* the morally relevant concept of personhood. Says Kant, "...we cannot rightly call the idea of the moral law, with the respect which is inseparable from it, a *predisposition* to *personality*; it is personality itself (the idea of humanity conceived quite intellectually).[185]

To see how the concept of rational nature as an end in itself is the morally pertinent concept of personhood, one might consider various contexts in which people are typically *not* looked upon as persons. In the course of a busy day, a cashier might come to view all shoppers as little more than receptacles for change, and on Kant's view there is nothing immoral about this. Not every act need be viewed as morally momentous.[186] Failure to look upon people as persons in the moral sense is perfectly acceptable in non-moral contexts, where one typically regards them merely as means. A baseball pitcher, for example, does not aim for the strike zone in the hope that the game will be rained out so that no one will have to lose. The intention, rather, is to win the game through deliberate deceit of each subsequent batter. Yet in the case of throwing for the head, the pitcher (customarily) is morally required to refrain from using the batter in that way. The incentive is to win the game, as a rule, by fooling the batter. But where that rule is particularized as a head shot, it may fail, subjectively, under the idea of morality -- of the personhood of the batter. In a word it suddenly *matters* that the batter is a human being.

Kant argues that in the practical imperative:

> humanity is conceived, not as an end of man (subjectively) -- that is, as an object which in reality one will himself constitute as an end -- but as an objective end -- one which, be our ends what they may, must, as a law, constitute the highest

> qualifying condition of all subjective ends and so must spring from pure reason.[187]

It is only objectively that the ground of moral action lies "in the rule and in the form of universality." Subjectively, it lies "in the end."[188] This leaves it an open question precisely how, *subjectively*, humanity (rationality) is to be incorporated into one's rule on any given occasion. The concept of persons as ends-in-themselves does not negate an incentive: just because a pitcher cannot aim for the head does not mean she no longer wishes to win the game.[189] It means only that the rule, 'Aim for the head,' does not morally qualify as an end (a purpose) because such ends are, in principle, disqualified in light of a higher kind of concept, namely, the practical imperative. As the pitcher proceeds to implement the rule, the end of the act intersects with her general idea of what it means to be moral. Providing she does not choose to do the immoral thing, she must simply choose another way to win the game.[190]

As suggested, the critical role of the practical imperative is to prevent a subtle kind of error, namely, the tendency not to regard others as fully rational (hence, as persons fully worthy of our moral intentions). If indeed our apprehension of others' rationality is essential to our decision to treat them morally, then our conception of rationality will, to a large extent, determine how charitably those intentions can be cast. Just as everyone has a theory, tacit or explicit, about how properly to conduct oneself in circumstances that are deemed morally relevant (any of which are presupposed by the categorical imperative), everyone also has some theory, tacit or explicit, about how to determine the extent to which a fellow creature is rational (i.e., human and hence, an object of our moral intentions), any of which are presupposed by the practical imperative.

The error is this: One mistakes the subjective reasons in deliberation for objective conditions of rationality. When and how this error may occur will be addressed shortly. To that end, it will be helpful, first, to recall what is meant by subjective reasons in deliberation. Here we are dealing with the evaluative component in the qualification of an incentive as an end. An incentive is a rational, or, intellectual good conceived *objectively*. Subjectively, it is the particular purpose at which one arrives through the evaluation of whatever means are available and necessary for the actualization of that incentive *as* an end. In reality (subjectively) practical reasoning is the constitution of particular practical values. Outside of contexts which are taken to be moral, one typically regards others as means. In circumstances deemed morally relevant, the

special moral requirement is that they not be treated *merely* as means. There is a difference, however, between the objective expression of the practical imperative and what it actually means in subjective experience. Objectively speaking, moral contexts of action require that one not treat persons merely as means but always at the same time as ends in themselves. Ends in themselves are incentives. As an objective expression the practical imperative merely describes, and does not psychologically prescribe, moral intentionality. Not unlike the categorical imperative, its 'ought' is transcendental, not psychological. On a psychological interpretation (not a psychological *reading*[190]), it merely states that in moral action, the subject incorporates the personhood of oneself or of others onto one's maxim. Maxims, however, are *subjective* principles of action, and this should lead us to ask what, subjectively, the practical imperative entails.

The practical imperative subjectively entails that moral intentions actualize the rationality of oneself or of others insofar as the subject abstains from allowing rationality to function as the mere 'price' of an end. Here, one subordinates a possible end to a countervailing purpose, namely, humanity (rationality). To some extent, persons are still being used as means; but given the special moral context one abstains from an otherwise standard use of persons *merely* as means.

It is only in contexts that are subjectively acknowledged to be morally relevant that it matters whether or not people are treated merely as means. Outside of such contexts, to treat others as ends would mean either to go inquiring after them or, literally, to produce them as one would any other intellectual good (i.e., a 'tool' or a feeling, etc.). The same holds for treating oneself as an end. In various contexts the end-hood of persons is irrelevant. Literary fiction, for example, does not contain what we would call "lies" unless we cease to regard it as "fiction."[191]

So when and how does one mistake subjective reasons in action for objective conditions of rationality, thus limiting the scope of one's moral intentions? One typically does so when moral responses have become habitual (which they usually do). Here one still treats persons as ends, but no longer reflects upon how, nonetheless, they are being used merely as means. Consequently, subjective presuppositions regarding rationality are less subject to reevaluation than they otherwise would be. Where moral responses are not habitual, one must thoughtfully qualify (evaluate) personhood as an end, but this constant reevaluation is preempted in habitual responses. This is not to suggest that Kant regards moral habits as dispensable, for clearly

he does not: "By the mere habit of frequently looking upon actions as praiseworthy or blameworthy, a good foundation [is] laid for righteousness," for this is how one arrives at an idea of morality.[193] I do want to suggest, however, that this matter is intended to be (and is) comprehended in Kant's practical critique, and with good reason.

As suggested, to mistake subjective reasons in action for objective conditions is implicitly to assume that persons in general are rational only insofar as they share our reasons, first of all, in the conception of an object as a good -- the having of an incentive -- and, secondly, in the qualification of that incentive as an end. The effect of this error is that we might, on specious grounds, regard others (or even oneself) as rational creatures which do not quite merit our full treatment as ends-in-themselves.[194]

Let us assume that someone upholds morality as a concern for the general good, and has a theory on how best to promote the general good. We may even assume that the psychological interpretation of the categorical imperative is ultimately subordinate to this concern for the general good (whether or not it does in fact is here irrelevant). Now it is sometimes said that where one person or group of people comes to adopt the standards of another, this is a clear indication that the latter is more fully rational than the former. The former, for example, might have been using magic in the hope of ensuring the success of his crops until the latter introduced him to fertilizers, farm equipment, herbicides and pesticides. This could readily be taken to suggest not only that these accoutrements signify a more rational method of farming but, implicitly, that they signify a more rational *culture*.

Alternatively, one might have chosen to become a Hockey player out of love for the sport, and now regards his position on the team as little more than a means subservient to his real incentive, which is simply to play the game. In this case, the means are looked upon as part of what is required in the playing of the game -- as that through which the incentive to play is qualified as an end. Another may regard the game (which involves training, injuries, etc.) as the means to the end of a salary, fame, etc. In this example it is somewhat more difficult to decide who is the more rational of the two. If we set aside our own prejudices as to the rationality of a desire for remuneration as opposed to that of involvement in the game, we will probably conclude that the two players do what they do for different reasons, and that one is not necessarily more rational than the other.

In the case of the magician, however, it is somewhat more difficult to be objective; for it is not so easy for us to imagine what it would be like both to be a magician

and to be fully rational. Consequently, we tend to regard the magician as less rational than the Western farmer.

This, however, rests on the location of rationality in the mere having of incentives, and obscures the relationship among incentives, means and ends in the deliberative process. As it is, the magician already shares with the farmer the incentive for a bounteous crop (else he could not wish for a tractor for the reasons we are supposing), but employs means which apparently are less efficient. That he is able to choose to adopt different means, as these become available, presupposes the same degree of rationality as that in virtue of which the farmer would himself have chosen those means, had they recently become available to *him*. In other words, the magician must first *be* rational in order to *choose* those kinds of means.

But here we are assuming that the magician does in fact adopt those means on what we take to be rational grounds. It may be the case that he is more interested in the ritual than he is in his crops. If that is the case, then in order to desire a tractor he must first be enticed to desire something else -- must come to have a new kind of incentive (i.e., status, notoriety, a *cash* crop, etc.). But having an incentive -- a mere wish -- is no less pathological than it is rational, and the enticement is not actually offered on exclusively rational grounds: It is not a more rational method of farming but a more seductive one that will lead the magician to desire a tractor if he had not already desired one for some other reason. Once again, the intellectual use of available means in the constitution of value (the realization of an incentive) comprises the rational part of the deliberative *process* (the *act* of choice once the mere concept of a good is given) -- hence the rational component of the decision to become technologically sophisticated -- not the mere having of a wish to do so. If the magician desires a tractor for a good crop, he would already have the relevant incentive (of itself, the adventitious availability of new means suggests nothing about his rationality): if he desires it for some other reason, then we might be puzzled by his rationality. (*Our* puzzlement, however, is not a good reason to doubt *his* rationality).

Furthermore, since the question at issue concerns which *culture* is more rational, we might consider that in the above scenario, the magician is being granted limited information. What if our cultural representative included, along with the tractor, the eventual loss of all that has traditionally -- and still does -- made life meaningful (not to mention drive-by shootings, etc.)? On the fair assumption that all that presently makes life meaningful for the magician is genuinely important to him, we might conclude that on full disclosure, it would in

many respects seem quite irrational for the magician to choose our culture.

The line of reasoning which rests, ultimately, upon the location of rationality in the having of an incentive marks one instance of the illusion "that arises from the ease of mistaking subjective and private conditions for objective ones," and which happens to be a main focus of Kant's critical philosophy as a whole.[195] Such illusions "have a prejudicial influence on the judgement."[196] This line of reasoning typically requires an argument from rationality (i.e., against the rationality of others) in order to justify its claims upon others. Once again, such arguments do not actually rest on an appeal to rationality as such but ultimately on a subjective experience of what habitually is and what habitually is not regarded as rational.

It is easy to see how this is related to the practical imperative. In moral contexts, our acknowledgement of the rationality of ourselves or of others is presupposed, for we would not have a moral intention except on some presupposition of rationality. Moreover, in Kant's moral philosophy our *understanding* of rationality (i.e., our 'theory') is also presupposed. One may have an unusually parochial understanding of what it means to be rational and, consequently, a dubious theory on how best to promote, say, the general good. Another might have a highly cultivated conception of rationality and, consequently, a more comprehensive moral theory. In each case, the practical imperative expresses the *fact* that in the moral intention 'persons' are not being treated merely as means. Along with the categorical imperative, the practical imperative expresses in objective terms what, subjectively, we *mean* in the moral intention. Yet while the former comprehends the moral ingredient of any act irregardless of the moral theory on which the agent acts, the practical imperative comprehends the 'theory' underlying any moral intention irregardless of the understanding of rationality by which it is conditioned. The latter is no more a theoretical proposition than the former. Its purpose in a practical critique is to make one aware of the general moral presupposition of rationality and by extension, of the fact that specific presuppositions regarding the nature of rationality must inform any given moral theory. It is in virtue of such presuppositions that one will feel morally justified in and through acts of approbation and disapprobation. While Kant's moral philosophy does not, since it is not a competing ethical theory, yield grounds for denial of the morality of any moral intention or theory, the *fact* that moral preferences are imposed in virtue of our subjective understanding of rationality is subject to critique. While the critical use of the

categorical imperative is of itself negligible, the practical imperative indicates, at least, the focus of a practical critique with respect to moral theory. This focus is not directly upon any given theory but rather, upon the subjective, substantival conception of rationality which must underlie the theory. Were the practical imperative itself theoretical, then it too would presuppose, ultimately, a substantival conception of rationality, and would therefore contravene the purpose of the practical critique. As it is, it does not presuppose any particular conception. Rather, it casts in relief the fact that such conceptions are present in any theoretical ethic, and offers it up for critical reflection.

In response to the question, 'What is the use of a practical critique?' It is of no real use for the ethical theorist, but can serves an important negative purpose for the moral philosopher.[197]

NOTES

Abbreviations referring to the works of Kant are as follows:

C1	A	*Critique of Pure Reason* (1st ed.)
C1	B	*Critique of Pure Reason* (2nd ed.)
C2		*Critique of Practical Reason*
C3		*Critique of Judgement*
GMM	A	*Groundwork of the Metaphysics of Morals* (1st ed.)
MOM		*Metaphysics of Morals*
REL		*Religion Within the Limits of Reason Alone*

1 C1 B 878.

2 C1 B 859.

3 C2 v 6.

4 GMM A 51n*.

5 *Prolegomena*, sect. 40.

6 C1 B 75.

7 Ibid.

8 C1 B 33, C3 190.

9 C1 B 77-8.

10 Ibid.

11 Ibid.

12 Ibid.

13 C1 B 863.

14 C1 B 868.

15 C1 B 878.

16 C1 B 859.

17 C2 v 6-7.

18 C3 176.

19 MOM 376.

20 MOM 206.

21 GMM A xii.

Once again, critique is not doctrine, and the *Metaphysics of Morals* is doctrine. This is stated explicitly in the preface to the third critique:

> with this, then, I conclude my entire critical enterprise... I shall proceed without delay to the doctrinal one... It goes without saying that judgement will have no special part in doctrine, since in the case of this power critique takes the place of doctrine. Rather, in accordance with the division of pure philosophy, into a theoretical and a practical part, the doctrinal enterprise will consist of the metaphysics of nature and that of morals. (C3 170. cf. 176)

22 REL p 12.

23 REL lxxx.

24 GMM A 52.

25 GMM A 25.

26 We will find that the purely formal declaration of the categorical imperative -- "act only on that maxim through which you can at the same time will that it become a universal law" (GMM A 52) expresses not a universal law of *nature* (for pure practical philosophy and philosophy of nature are essentially distinct) but the mere form of the act as such -- the formal topography of moral action irrespective of its natural context.

27 C1 B 876.

28 C1 B 876-7.

29 Ibid.

30 C1 B xxx.

31 C1 B 79.

32 C3 172.

33 Ibid.

34 C3 173.

35 C3 1st Introduction, 196.

36 C3 1st Introduction, 196, 198.

37 C3 1st Introduction, 199.

38 C1 B 77-7 (cf. above).

39 J. S. Mill, *Utilitarianism*, Indianapolis: Hackett Publishing Company, Sher, G. editor, 1979, p4.

40 Ibid.

41 Mill, 1979, p2.

42 C3 403.

43 C1 B 111.

44 'Actuality,' 'existence,' 'particularity' and 'reality' can, for our purposes, be used interchangeably. Each refers to the subjective (contingent) -- as opposed to the objective (necessary)-- component in human experience.

45 C3 408.

46 C3 406.

47 C1 B 75.

48 Ibid.

49 Ibid.

50 C3 168.

51 Figurative synthesis -- the "determination of the internal sense" -- is cognitive spontaneity. (cf. C1 A 97, B 102) This is not to suggest that beyond the scope of figurative synthesis, in its most basic sense, involves no spontaneity, but only that it will also involve reflection. It may be helpful here to consider synthesis, in its basic sense, in light of some remarks in *What is Orientation in Thinking*. There Kant speaks of the capacity for geographical orientation in virtue of a "subjective ground of distinction." (viii, 135) For such orientation, Kant claims,

> I certainly need the feeling of a distinction in my own person, that between my right and left hand.

> ...without the capacity to distinguish between motion from the left to right and that in the opposite in describing a circle... I would be unable to determine a priori any difference in the position of objects. (Ibid)

Kant claims that geographical orientation "can be broadened to purely mathematical orientation so as to include orientation in any given space." Cognitive synthesis in its most basic sense (figurative) can be brought to bear upon Kant's further extension of the concept of orientation:

> I can broaden this concept even more, since it consists in the ability to orient myself not merely in space (i.e., mathematically) but in thought (i.e., logically) (Ibid)

Thus when one determines (as will be discussed) the mere 'figure' of a plate or a dog, this is an act (*Aktus*) of spontaneity (cf C1 B 129) and rests ultimately upon "the ability to distinguish by feeling between the left and right hand, which is implanted by nature." (Ibid) Determination in this sense does not account for the particular significance of individual things as such. Beyond apprehension of mere figure cognition does require spontaneity, but in a broader sense which presupposes acts of reflection.

52 C1 B 180.

53 C1 B 176.

54 cf. @ C1 B 744.

55 C1 B 757.

56 C3 179.

57 C3 404.

58 C3 404.

59 cf. C3 404-5.

60 C3 220.

61 C3 180.

To *regard* the concept as the cause of an object (a purpose) is to adopt a transcendental perspective on our conception of a thing. Kant does not intend that one must

do this in order to *have* the experience. A purpose can only be explicated (transcendentally) in this way.

In a loose sense, the term "concept" here refers to whatever happens to be going on in the mind of the thinking subject on the occasion of her apprehension of a particular. As Fredrick Van de Pitte has suggested to me, we might here consider Kant's claim, in the first *Critique*, that "the conditions of the possibility of experience in general are at the same time the conditions of the possibility of the objects (Gegenstände) of experience." (C1 B 197) Once again, such an object can be the mere figure, or perceptual form, of a thing (and is 'spontaneously' determined in the basic sense). If, however, this figure is identified as a particular thing (if, we might say, the concept is meaningful) more conditions of the possibility of *its* experience must have come into play. Here we are dealing with empirical intuition in its fullest sense (which for philosophical purposes would require an "empirical deduction, which indicates the mode in which a conception is obtained through experience *and reflection* thereon." C1 B 117-18 my italics), and have gone beyond exhaustively determinative synthesis. Indeed, cognitive spontaneity (determination) is required at the end of the process (one might say, at the point on which the 'meaning' of the thing as a particular dawns on the subject) but this determination presupposes all that Kant's explication of a "purpose" entails.

62 C3 220.

63 H. W. Cassirer. *A Commentary on Kant's Critique of Judgement*. N.Y.: Barnes & Noble, Inc., 1938, pp200-1.

64 C3 220.

65 cf. C3 374.

66 It is crucial that what Kant means by concept in this case not be confused with the kind of thing one would designate by a noun. This is a transcendental explication of the term, and is best understood in light Kant's discussion, in the First Critique, of definitions . Of the "arbitrary" (*willkürlicher*) conceptions of "plates," "dogs," "clocks" etc. discussed above, Kant claims: "My definition of such a conception would with more propriety be termed a *declaration* (of my project) than a definition of an object." (C1 B 757). What Kant means by causality of a concept is not the causality of a *thing* but rather, of a *way* of conceiving a thing. The term 'concept' is simply a place-holder for the act of reflection.

67 C3 220.

68 C3 402.

69 C3 402.

70 C3 403.

71 Ibid.

72 "[For human understanding] the science of mathematics alone possesses definitions." (C1 B 757) This, incidentally, does not rule out the possibility of reflective mathematics, and all that implies.

73 C3 406.

74 C3 220.

75 Kant's abstract philosophical point of reference systematically expunges any discussion of the constitutive function of reflective judgement *as* constitutive. Consider an example:

> "We *must necessarily* presuppose and assume this unity [among what "to human insight is contingent in the particular" (C3 184)] since otherwise our empirical cognition could not thoroughly cohere to [form] a whole of experience." (C3 183, my italics.)

Clearly Kant does not intend that one must from time to time stop to ponder unity, lest experience crumble in incoherence. The point is transcendental; yet its imperatival form preempts the need (in fact, the possibility) to say the unity of our actual experience is reflectively constituted. (In *The Role of Teleology in Kant's Work*, Fredrick P. Van de Pitte discusses the strain under which Kant is working here). One might bear this in mind when we come to discuss the categorical imperative in light of these considerations, since the same kind of thing is happening there.

76 One must be careful not to confound Kant's philosophical use of terms with their usual psychological use. In the transcendental philosophy, terms borrowed from psychology (any meaningful term, for that matter) are detached from the immediate psychological subject and its empirically conditioned contingencies. Kant insists, therefore, that the subject of his philosophy -- "reason," or, "the rational being" -- must be placed in contradistinction to the "empirical being."(C1 B 863):

> It is of the utmost importance to separate those cognitions which differ from others both in kind and in origin, and to take great care that they are not confounded with those, with which they are generally found connected. What the chemist does in the analysis of substances... is, in a still higher degree, the duty of the philosopher. (C1 B 870)

To put it boldly, this suggests that there are no purely philosophical nouns (cf. n 66 above). As Werkmeister maintains, "[Kant's] employment of the term *a priori* is always adverbial, never adjectival,"* and the Critique of Pure Reason as a whole (which includes all three *Critiques*) is a critique "...of our ability to judge according to *a priori* principles." (C3 168). Although one must give that philosophy a psychological interpretation if one is to find it at all meaningful in relation to experience, one must avoid a psychological *reading*.

To illustrate, roughly, what a psychological reading would be: Any one of Kant's purely philosophical assertions is somewhat analogous to the platitude, "You can't teach an old dog new tricks." Insofar as we understand what this may suggest about human experience, we have already given it a psychological interpretation. A psychological reading, however, would yield little or nothing at all (e.g., 'an aged canine must necessarily experience insurmountable difficulties in the acquisition of clever forms of behaviour'). This is so simply because dogs do not have any 'psychology' with which we can identify (except mediately, through implicit or explicit personification). Similarly, the Kantian philosophy -- insofar as it is 'purely' philosophical -- is, *in itself*, psychologically meaningless.

One might say (to turn a Wittgensteinian notion) that there is a family resemblance between terms (e.g., 'understanding,' 'judgement,' 'reflection') in their philosophical and in their psychological deployment. Each *looks* like a noun. When one inadvertently confounds the 'rational' with the 'empirical,' there emerges the danger of an incestuous proliferation of metaphysical speculation of precisely the kind Kant is seeking to avoid.

[*W. H. Werkmeister, *Kant: The Architectonic and Development of his Philosophy*, La Salle, Illinois: Open Court, 1980, p 26]

77 C3 220.

78 Indeed, the psychological concepts with which we are familiar would themselves be reflectively constituted in this way, and serve as heuristics without which the human sciences would not be possible.

79 C3 396.

80 Ibid.

81 cf. C3 404.

82 C3 186.

83 C3 404.

84 The claim that reflective judgement is constitutive belongs, ultimately, to applied philosophy. It is for this reason that it does not appear in the *Critique*.

85 C3 403.

86 C3 179.

87 To be clearer on what Kant means by determination and reflection, one might imagine what it feels like suddenly to realize that two or more things are of the same kind. One might, for instance, see a flock of birds divide into three flocks, and may have distinguished a numerical pattern, e.g., that each flock contains precisely eleven birds, and is like to the other two in that regard. It has 'dawned' on the observer that they are alike in this respect. Now this dawning *reflects* the kind of thing which Kant means by determination. That is, in reflection upon other instances of such dawnings, one arrives at Kant's general concept of determination itself. What distinguishes determination in the strict sense (spatial, numerical) is that it does not, as do these kinds of examples, (i.e., 'bird,' 'kind,' -- each of which are themselves reflectively constituted concepts), presuppose any antecedent reflection. Experience as a whole is unified in virtue of the interplay of determination and reflection through the (subjective) determination of *kinds* of determinate things, which Kant calls subjective logical purposiveness. (cf. C3, 1st Introduction, 217) There is a particularly interesting discussion of this matter in C3 187:

> It is true that we [often] no longer feel any noticeable pleasure resulting from our being able to grasp nature and the unity in its division into genera and species [i.e., in the 'dawning'] that alone makes possible the empirical concepts of its particular laws...

These "empirical concepts," as concepts which make possible our cognition of particular empirical laws

('birds,' 'flocks,' etc.), are the more general concepts presupposed in the reflective constitution of yet higher concepts (i.e., 'flying,' 'groups'). Kant continues,

> But this pleasure was no doubt there at one time, and it is only because even the commonest experience would be impossible without it that we have gradually come to mix it with mere cognition [spontaneity] and no take any special notice of it.

Kant concludes in saying that if we are to take notice of this pleasure, "which we regard as merely contingent," then "we need something that in our judging of nature makes us pay attention... an endeavor to bring, if possible, these heterogeneous laws [of nature] under higher though still empirical laws." (cf. C3, 1st Introduction 186)

88 This 'practical rule determined by reason in accordance with the conditions of the subject,' which is contained in a maxim, is what I will come to treat of below in terms of an incentive.

89 GMM A 51n.

90 REL p18.

91 H. J. Paton, *The Categorical Imperative*, London: Hutchinson & Company (publishers) Ltd., 3rd ed,. 1958, p 83.

92 GMM A 62.

93 Paton, 1958, p 33.

94 cf. C1, B 515.

95 GMM, A 1.

96 C1 B 381.

97 Ibid.

98 Ibid.

99 GMM A 1.

100 GMM A 3.

101 We might consider this in light of Kant's discussion of the mathematically sublime, where the "plainly (*schlechthin*) large" is described as something large

absolutely, not comparatively ("*absolute, non comparative magnum*"):

> That something is a magnitude (quantum) can be cognized from the thing itself without any comparison of it with others. This is contrasted with saying how large something is, which requires another magnitude as its measure (C3 248)

Here we find a clear analogy between, on one hand, "large" and "of value (good)," and on the other "quantum" and "good in itself."

102 GMM A 26.

A remark on our interpretation of "*Werte*" may be in order. In the context of Kant's moral philosophy, *Werte* refers to the moral "worth" of an act, and carries an implicit or explicit reference to the moral status of the agent. Since it is our intention to consider the "empirical" in order to come to terms with Kant's moral philosophy in its relation to actual moral experience, *Werte* must be related to the more general notion of value. Kant's "pure" moral philosophy does not answer directly to the empirical or psychological manifestations of *Werte* (i.e., economic value, ethical normativity). Yet as Paton suggests, "pure ethics cannot be grounded on psychology, but it can be applied to psychology." (Paton, 1958, p 33) In order to avoid any conflation of *Werte* in the broader sense (in its interconnection with particular, common values) we have translated it simply as "value" where it occurs in an empirical context.

103 To relate this to the discussion of determination and reflection, goods conceived merely in themselves are *determined* as such. *Einschränkung*, we will find, corresponds to their *reflective* constitution as particular goods.

104 MOM 213.

105 Ibid.

106 GMM 38n.

107 C3 209.

108 C3 222.

109 To conceive a thing as a good, Kant claims, requires that it be understood as "good for" something (as having a "purpose"); viz, as "mediately (*mittelbar*) good." (C3 207) In contrast, pathological incentives are "intrinsically

good," that is, "immediately (*unmittelbar*) good" and hence, merely "agreeable." This will be discussed in greater detail later.

110 MOM 213.

111 Henry Allison, "Kant on Freedom: A Reply to my Critics", In: *Inquiry: An Interdisciplinary Journal of Philosophy.* Vol 36, Stockholm: Scandinavian University Press, 1993, p440.

112 Allison, *Reply*, 454.

113 Kant, *Reflexionen zur Metaphysik*, 4857; XVIII, II; 1776-78, quoted in: Rudolph Makkreel, *Imagination and Interpretation in Kant*, The University of Chicago Press, 1990, p100.

114 GMM A 1.

115 This, in fact, is what we do in animal 'psychology.'

116 There could conceivably be any number of intellectual incentives with which we are utterly unfamiliar only because we are incapable of *doing* anything to realize them.

117 One might, as it were, 'keep a list' of pre-formulated, abstract principles. In an example Kant provides, "[the] maxim is 'from self-love I make it my principle to shorten my life if its continuance threatens more evil than it promises pleasure." (GMM A 53) There is however no way for the agent to tell precisely what this maxim would entail if ever its conditions obtained -- until they do. 'Self-love,' 'evil,' and 'pleasure' are little more than place-holders for what will be the real incentives only in the dreaded moment of decision.

Logically, such principles are higher order deliberations insofar as they delimit the range of decisions under possible conditions. Practically, they are functions of a current state of deliberation, or deliberate acts. These are commonly expressed in propositional form, but as such must rest on an antecedent decision to think, albeit not in terms of immediate action but of possible future deliberations. The 'act' in this case is the creation of an abstract, hypothetical projection -- but it is an act nonetheless. As such, a principle is ultimately a function of decision involving immediate, non-hypothetical incentives.

One can of course be taught general principles, but this does not mean they are passively received. Knowledge of the rules of addition and subtraction, or knowing how

to speak (perhaps even knowing how to walk) -- all of these, either implicitly or explicitly, are 'principled' and are typically taught and learned. Yet learning is no less something we *do* than anything else. That is, it too is *active*.

118 What this example suggests -- that agency essentially involves an evaluation of the instrumentality of means -- can be extended to all forms of deliberate action. Even the decision to give something further thought involves instrumentality of a sort. Where there is an incentive to solve an intellectual problem, for example, the means one must employ are energy and what can be called epistemic means -- that is, related meanings. Even here, the 'solution' (the whole idea) might be rejected if one prefers not to make the 'sacrifices' necessary to think it (i.e., simply won't be bothered, or cannot countenance using certain beliefs and convictions in 'that' way).

119 cf. GMM A 5, 63.

120 Henry Allison, *Kant's Theory of Freedom*, Cambridge: Cambridge University Press, 1990, p40.

121 C1 A 104-5.

122 Ibid.

123 C3 207.

124 When a purely pathological incentive (i.e., aversion to pain) is *regarded* as something of relative value, one can be sure to have passed over to the notion of an intellectual incentive. In an earlier example we suggested its degree of urgency will vary depending on whether one, say, runs *from* flame, or is forced to leap *through* it. It is only when one can or does consider either option *as* an option that avoidance of pain is regarded as something of relative value. But here, there is something more than a simple reaction to a pathological incentive, for one has begun to evaluate external means as instrumental, not merely to avoidance of pain, but to the preservation of *health* or *well-being*. Indeed, it is hard to imagine that one would make a dash for an exit without regarding that exit as an external means of escape. But our point is only that when one considers external means, the act is deliberate.

It is conceivable, however, that one would dash for the exit without conceiving it as a means -- that is, without deliberation. There is a legitimate place for the concept of habit. Where one runs for a 'door' but without deliberation, the door is not being *regarded* as a means at

all, for the entire act collapses largely into a pathological reaction. Although this would be quite unlikely, it is at least conceivable that one should perform an apparently complex deed entirely from habit.

125 C3 207.

126 C3 1st Introduction, 195.

127 GMM A 50.

128 Ibid.

129 GMM A 50n.

130 C1 B 316.

131 C1 B 325-6.

132 GMM A 63.

133 C3 220.

134 C3 220.

135 REL p19.

136 Allison, 1990, p134.

137 C3 1st Introduction, 230 n50.

138 C3 172.

139 C3 353.

140 C3 1st Introduction, 198.

141 C3 1st Introduction, 199.

142 C3 1st Introduction, 200.

143 C3 1st Introduction, 197.

144 Consider Kant's claim:

> I must, therefore, deny knowledge in order to make room for faith, and the dogmatism of metaphysics, that is, the prejudice that one advances in metaphysics without criticism, is the true source of unbelief." (C1 B xxx)

Indeed, this is not what one should call an evangelicalism, for 'belief' does not refer exclusively to religious faith. It does however lend support to the argument for the existence of god from possibility (as the only basis for its demonstration -- cf. C1 B 611), and that argument can be quite interesting from an apologetical point of view. Belief here is a belief in possibility, and prejudice is the deliberate (and quite arbitrary) restriction of particular possibilities. Were we to present to the Seventeenth century mathematician with the blueprint for a jumbo jet, it is likely that he would deny our claim that 'this thing will fly' on grounds of mathematical impossibility. That denial would be based, however, on a conviction that mathematics dictates, in an absolute sense, actual possibilities and impossibilities. That kind of conviction is precisely what Kant means by metaphysical dogmatism or prejudice. "The greatest prejudice," he claims, "is superstition, which consists in thinking of nature as not subject to rules which the understanding through its own essential law lays down as the basis of nature." (C3 294) Accordingly, mathematical superstition would consist in the conviction that mathematics is something 'out there' (i.e., Platonism) which determines, in an absolute sense, our (admittedly) mathematical experience of the world. Opposed to this kind of dogmatism would be the mathematician's entertainment of, at least, the *possibility* either of a forthcoming mathematical explanation of jet-flight or of its actual flight upon construction. What Kant would require is that the mathematician not *dogmatically* restrict possibilities but rather, that he have some faith. In a broader sense such faith is, after all, a component of all human inquiry. Taken to its farthest extreme, a belief in possibility is (in philosophy) a belief in the highest possibility, namely, that than which nothing greater can be conceived -- in Kant's terms, god. Metaphysical dogmatism, in contrast, when taken to its farthest extreme, would end the human quest for knowledge. In Kant's thought, religion and the quest for philosophical or scientific knowledge are not in conflict. Denial of the possibility of god in any sense (religious or philosophical) is there reduced simply to the dogmatical restriction of possibilities. This does not supply religion with any tools of offense, but it does provide a firm defense. The benefit of critique, once again, is a negative one.

145 C1 B 25, 738-9.

146 C2 v 91, my italics.

147 C2 v 93

Kant explains in the *Groundwork* (A 42-6) how all empirical grounds of action fall under the concept of happiness.

148 Ibid.

149 Kant inveighs quite heavily against regarding happiness as the "supreme condition" of morality. (REL p31-2, cf. p41n) Indeed, if one places happiness in the space which Kant has reserved for the moral law, then it would appear that his concerns are quite justified. But one should also consider that Mill, for example, does not actually intend to put happiness in the place of Kant's moral law, for he regards Kant's moral philosophy as theoretical, and does not view the moral law in its native critical context. There is no real conflict between Kant and Mill because their works do both occupy the theoretical continuum.

150 C3 1st Introduction 195-6.

151 C2 v 92.

152 C2 v 3 (cf. C2 v 121 for Kant's discussion of the mutual exclusion of theoretical and practical reason, but also the primacy of the latter in their combination).

153 C3 184.

154 C3 183.

155 cf. note 75 above.

156 Ibid.

157 C3 182.

158 C3 185-6.

159 GMM A 50.

160 GMM A 50n*.

161 Ibid.

162 C3 403.

163 GMM A 27.

164 It is sometimes said that even though, on the surface, moral acts appear to be altruistic, these are nonetheless covertly self-interested in the purest sense.

In moral psychology, it is difficult (perhaps impossible) to avoid that conclusion (and Kant himself would concede that all action involves some purely pathological ingredient). But one only needs to ask why someone would go about proclaiming self-interest as an ultimate motive to realize that it does not hold *philosophically* as a ground of *moral* action. One does not confess to self-interest *from* self-interest; in that case, it would be better to confess nothing at all. Rather, one typically makes this kind of concession out of a sense of honesty or self-respect. Thus even the claim to pure self-interest manifests -- if not to the psychologist, then at least to the philosopher -- the deeper stuff of morality: to the proclamation, 'I am purely self-interested,' the philosopher can respond in gratitude for its confirmation, perhaps, of her faith in the good.

165 GMM A 31-2.

166 GMM A 31.

167 "Nevertheless," says Kant:

> this is an illusion arising from the fact that, having no way to measure the degree of the obstacles [virtue] would overcome (in us, these are inclinations), we are led to mistake the *subjective* conditions by which we assess the magnitude for the *objective* conditions of the magnitude itself. (MOM 396-7)

168 GMM A 35.

169 C3 176, 170.

170 C3 1st Introduction 198.

171 C3 1st Introduction 197.

172 C3 1st Introduction 195.

173 C2 v 3.

174 *Prolegomena*, sect. 40.

175 C2 v 93.

176 C2 v 155-6 (cf. C2 v 8n*)

177 C1 B 859.

178 C2 v 93.

179 Ibid.

180 GMM A 66-7.

181 GMM A 69-70.

182 It is said that Descartes could perform vivisection on a shrieking animal without remorse. It is significant that he did so only on the understanding that the creature was merely a machine which did not actually feel pain, and that its cries were nothing more than mechanical reactions.

183 Strictly speaking, 'murder' is not, for Kant, a philosophical concept. Rather, it is 'taking a life' with 'personhood' and some empirical elements added (i.e., done deliberately, not by accident). In a purely philosophical sense, no specific kinds of acts are absolutely wrong (for kinds are determinate and objective, not subjective). This is important in that acts like murder, incest etc. are wrong for many *good reasons*. To regard them as absolutely wrong in an objective, philosophical sense is, in effect, to license a neglect of those reasons. Objective absoluteness preempts any particular reasons.

184 REL p23.

185 This would mark what Kant calls "moral fanaticism," a "deliberate overstepping of limits which pure practical reason sets to mankind." (C2 v 85). Human virtue consists in the "moral disposition in conflict," and not "holiness in the supposed possession of perfect purity of intentions of the will." (C2 v 84) On Kant's view, moral duty is a "discipline," not tyranny. (C2 v 85; cf. 82).

186 GMM A 70.

187 Ibid.

188 That an intention to act morally must contain two incentives is expressed in the *Religion*:

> the distinction between a good man and one who is evil cannot lie in the difference between the incentives [one sensuous, one moral] which they adopt into their maxim (not in the content of the maxim), but rather must depend on *subordination* (the form of the maxim), i.e., which of the two incentives he makes the condition of the other. (p31).

189 This, perhaps, suggests the strongest case for our non-prescriptive reading of the moral law, and is expressed quite well in the *Metaphysics of Morals*:

> maxims of actions can be [adopted] *at will*, and are subject only to the qualifying condition of being fit for a giving of universal law, which is the formal principle of actions. A *law*, however, takes away what is willful (*willkürlich*) from actions, and this distinguishes it from any recommendation (where all that one requires is to know the most suitable means to an end). (389)
>
> if the law can prescribe only the maxim of actions, not actions themselves, this is a sign that it leaves a latitude (*latitudio*) for free choice in following (complying with) the law, that is, that the law cannot specify precisely in what way one is to act and how much one is to do by the action (390)

190 cf. note 78 above.

191 Fiction can be taken as suggestive of lies, but then it is being lifted out of its purely fictional context. Whether or not that is the intention of the author is beside the point here.

192 C2 v 154,

193 It may be that religious moralism will escape, to some extent, this kind of criticism. One who condemns another on the ground that she has failed to guide her conduct according to scripture, for instance, typically does so because of particular choices which *are* acknowledged to be fully rational. Moreover, I am not here concerned with codes of law which, it is assumed, the individuals comprising a society assent to. Indirectly, this does result in the treatment of individuals who explicitly reject any given law (i.e., 'committed criminals') as less that fully rational. That, however, seems to fall in a class of necessary evils.

194 C3 293.

195 Ibid.

196 It seems appropriate to say something about Kant's moral doctrine. His popular and doctrinal works strike me as an attempt at a hybrid moral theory, one intended to accommodate and to dissipate the natural tendency to mistake subjective presuppositions regarding rationality for objective conditions. As suggested in section I,

Kant's doctrinal works are not genuinely *critical*, but must themselves be subject to *Critique*. "The supreme principle of the doctrine of virtue," Kant submits, "is: Act in accordance with a maxim of *ends* that can be a universal law for everyone to have":

> In accordance with this principle man is an end for himself as well as for others... it is in itself his duty to make man in general his end. (MOM 395)

But "a duty of virtue" (an "end that is also a duty") is contrasted with "*what is formal* in the moral determination of the will (e.g., that an action in conformity with duty must also be done from duty:" the latter "are not duties of virtue," (MOM 383) for the moral law "prescribes only the *maxim of action*... and hence not the action itself." (MOM 392)

It is not my purpose here to examine Kant's moral doctrine, but only to clarify what it means to say that it must be subject to Kant's *Critique*. As suggested at the beginning of the present section, the object of Kant's moral philosophy (of a practical critique) is not moral theory; for the powers of reason, not the contents of the understanding, comprise the object of Kant's critical philosophy as a whole. To say that Kant's moral doctrine is, along with any moral theory, subject to *Critique* is not to say that it must then be *wrong*. Subjectivity to *Critique* does not imply falsehood but rationality. *Critique*, that is, challenges only the sense in which thoughts and reflections are presumptuously supra-rational as opposed to genuinely rational.

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